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OF THE
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(AND THE IRISH FREE STATE)**

BY THE SAME AUTHOR

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OUTLINES OF
LOCAL GOVERNMENT
OF THE
UNITED KINGDOM
(AND THE IRISH FREE STATE)

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OUTLINES OF LOCAL GOVERNMENT OF THE UNITED KINGDOM

SECTION I

The State in Relation to Local Government

CHAPTER I

LOCAL AUTHORITIES, FUNCTIONS, AND PRINCIPLES

1. INTRODUCTION

LOCAL GOVERNMENT is that part of the government of a nation or state which deals mainly with such matters as concern the inhabitants of a particular district or place, and which it is thought desirable should be administered by local authorities, subordinate to the central government.

The local bodies so charged with the administration of these functions are, in the main, elective, and are referred to hereafter as Local Authorities.

2. LOCAL AUTHORITIES

A LOCAL AUTHORITY, as defined by the Finance Act, 1931, Sec. 32, means "any body having power to levy a rate or to issue a precept to a rating authority and includes the corporation for which any such body acts for executive purposes."

These authorities are principally—

- (a) Parish Meetings or Parish Councils.
- (b) Urban District and Rural District Councils.
- (c) Borough Councils.
- (d) County Borough Councils.
- (e) County Councils.
- (f) *Ad hoc* and Joint Boards, e.g.—
 - (i) Drainage Boards.
 - (ii) Catchment Boards.
 - (iii) Burial Boards.
- (g) Justices of the Peace, who, in addition to their judicial

functions, have certain duties appertaining to Local Government which are referred to in Chapter IX.

Broadly speaking, each Local Authority, with the exception of the County Council (and County Borough Council), administers a unit forming a component part of another authority's area.

3. FUNCTIONS

(1) Maintenance of a local legislature, with power to make by-laws which are a code of detailed instruction for the application locally of the general principles of law.

(2) Care of certain classes of the community, e.g. the destitute.

(3) Provision of arrangements for public safety.

(4) Maintenance of works of public convenience and utility.

(5) Establishment of institutions for the betterment of the community, and for the development of character.

(6) Management of quasi-commercial undertakings.

(7) Establishment of schemes for social experiments.

(8) Control of certain functions of a national character, including pensions, food, and fuel.

(9) Power to raise money either by a system of rating or by one of loans repayable over a period of years.

The experience gained in local government work is applied to national government.

4. PRINCIPLES

(1) *There is no strict line of demarcation* between central and local government; the limitations of each being effected by compromise.

The exact relations between central and local government are often in conflict between the out-and-out "local self-government" school and the "centralizers," the latter wishing to smooth out local inequalities by bureaucratic control and an extension of local taxation grants centrally administered.

(a) In this country the local authorities have no powers except such as are defined by statute.

(b) The specific performance of these powers is enforced. Thus the Local Authorities (Financial Provisions) Act, 1921, provides power to appoint a receiver where a metropolitan borough council fails to meet a precept.

The Board of Guardians (Default) Act, 1926, incorporated in the Poor Law Act, 1930, is dealt with in Chapter XXII.

(2) Local Government is *co-ordinated and centralized* as follows:

(a) Local Authorities derive their powers from Parliament. Exceptional powers must be authorized by special Local Acts.

In 1909 a Local Legislation Committee, which reported on Local Government legislation to the House of Commons, replaced the Committee on Police and Sanitary Regulations, but was abolished in 1931, and replaced by the Unopposed Committee.

(b) The Supreme Court of Judicature. Local Authorities, and their Officers are amenable to the law similarly to other bodies and persons. This subject is dealt with in *Outlines of Central Government*.

(c) The Central Administration under the Central Departments of the State, as described in Chapter III.

(3) *Central control* is exercised by means of—

(a) Inspections; e.g. Police and their Establishments.

(b) Inquiries relating to Borrowing, etc. Alteration of Boundaries. Complaints of Administration.

(c) Statistics—Financial; Sanitary; Public Assistance; Education; Judicial; Mental Treatment; Births, Deaths and Marriages.

(d) Control of Finance by Audits of Accounts as described in Chapter XXVIII.

(e) Prescription of duties and their enforcement by Statutory Rules, Regulations, and Orders.

(f) Advice respecting new powers and duties given by the Departments by means of circulars.

(g) Provisional and Special Orders issued under enactments.

(h) Grants in Aid necessitating a minimum of service.

(i) Appointments—Approval of appointments (e.g. some Public Assistance Officers); and, in certain instances, consent to dismissals.

(j) The approval of by-laws by the appropriate Central Department, e.g. Secretary of State or Minister of Health.

(4) *Restriction of duties* to certain types or classes of local authorities by the legislature.

(5) *Limitation* of the powers of rating for certain purposes. These limitations are relaxed in certain instances, particularly to encourage work of social betterment.

(6) *The control exercised over any local authority, either by the central departments or by some other local authority, is in inverse ratio to the powers given.*

(7) *Protection* is afforded to the citizen from autocratic authority, and the official is safeguarded from unreasonable action in the discharge of his duties.

(8) *Variety in Local Government* enables the local community to shape its affairs by undertaking experiments which may afterwards be adopted by the central authority, and extended to the whole country.

5. NEW ASPECTS

Within recent years there have been tendencies at work which have resulted in certain modifications and adjustment of the foregoing principles. These new factors may be summarized as follows—

(1) *By the Local Authorities (Admission of the Press to Meetings) Act, 1908*, representatives of the Press have a right to be present at the meetings of every local authority, unless they are temporarily excluded by resolution of such authority.

(2) *The Principle of Proportional Representation* on the system of the Single Transferable Vote has been introduced for the election of all local authorities in the Irish Free State.

(3) *Committees* are becoming increasingly important and committee work constitutes the larger part of the duty of the local administrators. Certain Committees are statutory, e.g. the Finance Committee of the County Council. Some committees are Joint Committees, e.g. a Joint Hospital Committee consisting of members elected by two or more local authorities.

(4) There is a growing tendency towards *Federation of Committees* as outlined in the Education Act, 1921.

(5) *Co-optation*, e.g. the Housing Committee under the Housing Act, 1925. The principle of co-optation seems to be influenced by the desire to secure services from three sources which may or may not be already represented by elected person, viz.: (a) the expert, as in the case of the Public Assistance Committee; (b) the vocational interest, as in the case of teachers on Education Committees; and (c) the consuming interest or persons directly affected, as in the case of Allotments Committees.

(6) *Women in Local Government*. The work described in the following pages is available for women as well as for men. Never before have women had such excellent opportunities to take an active part in the work of local government administration. Women, married or single, are eligible for election to all local authorities. In particular co-optation of women became compulsory under the Maternity and Child Welfare Act, 1918.

(7) *Joint Action in Local Government* has recently been introduced by certain regional local authorities. Joint action may be effected by—

- (i) Public Health Act, 1875, Secs. 279, 286, and 287.
- (ii) Local Government Act, 1888, Sec. 14 (3) and 81.
- (iii) Local Government Act, 1894, Sec. 57.
- (iv) Public Libraries Acts, 1892 and 1893.
- (v) Isolations Hospital Act, 1893, Sec. 10.
- (vi) Education Act, 1921
- (vii) Ministry of Agriculture and Fisheries Act, 1919.
- (viii) Public Health (Tuberculosis) Act, 1921, Sec. 5.

- (ix) Diseases of Animals Acts.
- (x) Housing Act, 1925, Sec. 112.
- (xi) Poor Law Act, 1930.
- (xii) Town and Country Planning Act, 1932.

6. LOCAL GOVERNMENT SERVICE

(1) The trend of legislation is in the direction of adding to the burdens thrown upon local government officers. This necessitates preparation by all possible means for these responsibilities. In this connection the efforts of the National Association of Local Government Officers with regard to the education of officers deserves the whole-hearted support of all who wish to see improvement in the service. Such organizations as the Institute of Municipal Treasurers and Accountants (Incorporated), the Incorporated Association of Rating and Valuation Officers, the Royal Sanitary Institute, the Surveyors' Institution, and the Poor Law Examinations Board, with their systems of examination, make for efficient administration.

(2) *The Local Government and other Officers' Superannuation Act, 1922*: (1) The Act is adoptive: (a) by resolution passed by a majority consisting of not less than two-thirds of the members, (b) confirmed at a regular meeting held not less than one month after the passing of such resolution, and (c) approved by the Minister of Health. The local authority or combination of local authorities must possess not less than fifty officers or servants occupying designated posts within the purposes of the Act. (2) Officers and Servants concerned; whole or part time, 18 years of age holding designated posts. (3) A superannuation fund may be established and administered by the local authority providing for the deductions from the salaries and wages and for the payment of equal amounts by such local authorities. (4) The amount of superannuation varies according to scale, reaching a maximum of two-thirds of the salary after forty years approved service.

A Departmental Committee reported in January, 1928, in favour of the Act being made compulsory on all local authorities, and of smaller authorities being required to combine therefor or being included in county schemes.

(3) *Recruitment*. In accordance with the recommendation in the Third and Final Report of the Royal Commission on Local Government, 1929, a Departmental Committee was appointed in 1930 to consider the question of Recruitment and Training for the Local Government Service, and is now taking evidence.

"The fitness of the Local Authorities to bear the load of future legislation would depend entirely upon the fitness and character of the staff to play their part." (Professor H. J. Laski.)

CHAPTER II

THE REFORM OF LOCAL GOVERNMENT

1. INTRODUCTION.

(a) The movement for reform may be said to date from the Report of the Royal Commission on the Poor Laws and the Relief of Distress, 1909.

(b) Appointment of Royal Commission on Local Government under the Chairmanship of Lord Onslow in 1923.

(i) *First Report* in 1925 resulted in passing of the Local Government (County Boroughs and Adjustments) Act, 1926.

(ii) *Second Report* in 1928, the principal recommendations of which are contained in the Local Government Act, 1929, Part IV.

(c) The Rating and Valuation Act, 1925, was followed by—

(i) The Chancellor of the Exchequer's Budget in April, 1928; which provided the Funds by the Petrol Tax; and

(ii) The Rating and Valuation (Apportionment) Act, 1928, and

(iii) The Rating and Valuation Act, 1928,

(iv) The Local Government Act, 1929, and

(v) The Agricultural Rates Act, 1929.

(vi) *Third and Final Report* of the Royal Commission issued in 1929, which has resulted in the appointment in 1930 of—

(vii) Departmental Committee on Recruitment and Training of Local Government Officers. (See page 5.)

2. FIVE DEFECTS WHICH REQUIRED ADJUSTMENT.

(1) Boards of Guardians' functions and areas overlapped those of other local authorities.

(2) Cost of roads had considerably increased.

(3) Rigidity of local government areas.

(4) Rating system was oppressive on Industry.

(5) Relations between national and local finance were inequitable.

3. SEVEN PROPOSALS FOR REFORM.

(i) Abolition of Boards of Guardians.

(ii) Repeal of Unemployed Workmen Act, 1905.

(iii) Transfer of Registration of Births, Deaths and Marriages.

(iv) Amendment of Highways and Town Planning Powers.

(v) Enlargement of local government areas.

(vi) Rating Relief Scheme.

(vii) Establishment of General Exchequer Fund.

Local Government Act, 1929

The objects of the Act are stated in the title as "An Act—

(a) To Amend the law relating to the

(i) Administration of poor relief;

- (ii) Registration of births, deaths, and marriages:
- (iii) Highways, town planning, and
- (iv) Local government.
- (b) To extend the application of the Rating and Valuation (Apportionment) Act, 1928, to hereditaments in which the owner or occupier only is employed.
- (c) To grant complete or partial relief from rates in the case of hereditaments to which the Act applies.
- (d) To discontinue certain grants from the Exchequer.
- (e) To provide other grants in lieu thereof.
- (f) For other purposes consequential on the matters aforesaid."

The Act is in eight parts, and 138 Sections, viz.—

- Part I. Poor Law.
- Part II. Registration of Births, Deaths and Marriages.
- Part III. Roads and Town Planning.
- Part IV. Miscellaneous Local Government Provisions.
- Part V. Rating and Valuation.
- Part VI. Exchequer Grants and other Financial Provisions.
- Part VII. Property, Liabilities and Officers.
- Part VIII. General.

There are twelve Schedules, viz.—

- I. The modification of certain Acts.
- II. Discontinued Grants.
- III. Provisions as to certain payments out of Local Taxation Accounts.
- IV. Rules for the calculation of General Exchequer Grants.
- V. Rules for ascertaining gains and losses of areas.
- VI. Adjustments and apportionments of Poor Law Properties and Liabilities.
- VII. Provisions as to the Sale, etc., of Parish Property.
- VIII. Provision as to the determination and payment of Compensation to Officers.
- IX. Transitory and Temporary Provisions.
- X. Adaptation of Enactments.
- XI. Provision for securing allowance of Rebates to Selected Traffics corresponding to Rate-relief of certain Companies.
- XII. Enactments Repealed.

These Parts are treated in the appropriate chapters which follow with the exception of Parts IV and VIII, which may be most suitably dealt with at this point.

Part IV. Miscellaneous Local Government Provisions

This Part is based mainly on the recommendations in the

Second Report of the Royal Commission on Local Government published in October, 1928.

(a) It makes provision for the systematic adjustment and reorganization of local government areas—

(1) Section 46 required the county council to carry out a survey of the county, and make proposals before the 1st of April, 1932, for alterations of boundaries of districts, and of non-county boroughs and of county boroughs if the councils of the boroughs agree.

(2) The local authorities (other than parish councils) in the county must be consulted, and the councils of the county boroughs adjoining the county have the right to submit their views to the Minister on the proposals.

(3) If any objection is made by a local authority (including a parish council) affected, the proposals cannot be confirmed until a local inquiry has been held.

(4) Section 47 provides that the county council may subsequently, if they think it desirable, or must, if the Minister so requires, undertake and report upon similar reviews. The interval between any two reviews shall in no case be less than ten years.

(5) Section 50 provides for a review of the county electoral divisions after the completion of the review of the administrative areas.

(b) Section 52 enables county councils to pay the travelling expenses of their members in the discharge of their duties, provided they are in discharge of functions performed for the whole county.

Part VIII. General

(1) Section 128 makes provision as to expenses, lending and borrowing for the purpose of the Act.

(2) Section 129 makes provision as to inquiries for the purposes of the Act—

(a) by the Minister of Health, as under the Poor Law Act, 1927 (now 1930), and

(b) by the Minister of Transport, as under the Ministry of Transport Act, 1919;

(c) by the Secretary of State, as under the Local Government Act, 1888.

THE THIRD AND FINAL REPORT OF THE ROYAL COMMISSION ON LOCAL GOVERNMENT, 1929

The Third and Final Report is divided into three parts, as follows—

Part I. Functions of Local Authorities.

(a) Distribution of Certain Functions between Local Authorities.

(b) Other Questions affecting Power and Duties of Local Authorities.

Part II. Matters Relating to the Constitution of Local Government Bodies.

Part III. Local Government Officers.

The various subjects dealt with will be considered in the appropriate chapters which follow, but are more fully dealt with in *Local Government of the United Kingdom* (Seventh Edition).

It is sufficient to mention here the subjects which have no place in the succeeding chapters.

Part I. Functions of Local Government Authorities.

(a) Co-operation between Local Authorities.

(b) Establishment of Insurance Funds by Local Authorities.

Part II. Matters Relating to the Constitution of Local Authorities.

(a) Consolidation of Statutes.

See chapter on Public Health relative to the appointment of a Committee.

(b) Disqualification of Members of Local Authorities.

(c) Numbers of Committees of Local Authorities.

(d) Co-optation on Committees of Local Authorities.

Part III. Local Government Officers.

(i) Recruitment.

See page 5 relative to Departmental Committee.

(ii) Promotion and Transfer.

(iii) Office Organization and position of Clerk to the Local Authorities.

CHAPTER III

CENTRAL DEPARTMENTS OF THE STATE

THE following are the principal Departments controlling local government. Further particulars are contained in *Outlines of Central Government* (Pitman).

1. THE TREASURY. The powers and duties of Lord High Treasurer are executed by Commissioners consisting of the First Lord of the Treasury, the Chancellor of the Exchequer, and three Junior Lords Commissioners. The following Departments are associated with the Treasury in local government duties—

(a) *The Public Works Loan Board* was created in 1817 for the purpose of advancing money to local authorities for public works. It also makes loans to "public utility societies" and to individual landlords for the permanent improvement of estates. Loans are repaid usually on the annuity system of principal and interest, over periods varying from twenty to eighty years.

(b) *The Development Commission* was established by the Development and Road Improvement Fund Acts, 1909 and 1910, to advise the Treasury in the administration of a national fund for the development of agriculture, fisheries, and other analogous economic resources of the United Kingdom.

(c) *Office of Works and Public Buildings*. The Commissioners were appointed in 1832 for the purpose of discharging certain duties previously performed by the Office of Woods and Forests. During the period of housing activity subsequently to the Great War, the Department undertook certain schemes.

2. THE PRIVY COUNCIL is a body of nominated persons whose names are approved by the sovereign. It has played a most important part in the administrative development of local government. It recommends the Crown to grant Charters of Incorporation for the creation of new Boroughs; Orders in Council make provision for bringing into operation many new statutes, and the transfer of departmental powers. There is a number of Committees constituted to deal with particular functions, e.g. the Judicial Committee and the Board of Trade. In 1915 there was established a Committee for the Organization and Development of Scientific and Industrial Research.

3. THE BOARD OF TRADE is the oldest of the Committees of the Privy Council. It was first established in 1622. The present Department owes its origin to an Order in Council of 1786. It

has been reconstituted from time to time, and as from 1918 was divided into two main divisions, viz.—

(1) *The Department of Commerce and Industry*, which is concerned mainly with development of trade, is divided into the departments of Commercial Relations and Treaties; Mines; Overseas Trade (Development and Intelligence) a joint Department with the Foreign Office; Industries and Manufactures; Standards; Industrial Property (including Patent Office); Power and Economics; Statistics; Intelligence and Parliamentary.

(2) *The Department of Public Services Administration* is primarily engaged in statutory and administrative functions of a permanent nature which are performed by the Mercantile Marine, Companies, Bankruptcy, and certain temporary Departments. There are in addition three general departments, viz., the Solicitor's, Finance and Establishment.

4. THE BOARD OF EDUCATION was established in its present form in 1899. It is responsible for elementary, secondary, technological, and higher education and trusts, including medical inspection of school children. (See Ministry of Health.)

5. THE HOME OFFICE was created in 1782. The Home Secretary's duties relating to Local Government include—

(1) Preservation of the King's Peace through the exercise of duties by magistrates, coroners and police.

(2) Relations with local authorities in approval of by-laws, other than those relating to nuisances, education, and transport.

(3) Certificates of naturalization, and prevention of cruelty to children and animals.

(4) Control of prisons and Borstal institutions.

(5) Inspection of institutions, including reformatory and industrial schools (now known as Approved Schools).

(6) Protection of citizens, by administration of Factories and Workshops Acts, Mines Regulation Acts, and Shops Acts.

(7) Appellate jurisdiction, e.g. storage of petroleum.

(8) Miscellaneous, including advising the Sovereign in the exercise of the prerogative of mercy; territorial functions with regard to Northern Ireland, the Channel Islands, and the Isle of Man, and the powers and duties respecting Registration and Elections transferred from the Ministry of Health by Order in 1921.

6. THE MINISTRY OF HEALTH was established by the Ministry of Health Act, 1919, the object of which was to consolidate in one department and under one Minister—

(a) All the powers and duties of the Local Government Board.

(b) All the powers and duties of the Insurance Commissioners and the Welsh Insurance Commissioners.

(c) All the powers of the Board of Education with respect to (i) the health of expectant and nursing mothers; (ii) the

health of children who have not attained the age of five years and are not in attendance at schools recognized by the Board of Education; and (iii) the medical inspection and treatment of children and young persons.

(d) All the powers of the Privy Council and the Lord President of the Council under the Midwives Acts, 1902 and 1918.

(e) Such powers of supervising the administration of Part I of the Children Act, 1908 (which relates to infant life protection), as had heretofore been exercised by the Secretary of State.

The Act also made provision for bringing under the control of the Ministry of Health at future dates—

(f) the care of sick soldiers (now possessed by the Ministry of Pensions); and

(g) the control of lunacy and mental deficiency, which was transferred by Order in Council dated 17th May, 1920;

(h) any powers and duties of any Government Department which appear to relate to matters affecting or incidental to the health of the people.

(i) By Orders in Council dated July, 1920, provision was made for the transfer of certain powers, relating to gas supply, from the Ministry of Health to the Board of Trade, and for the transfer from the Board of Trade to the Ministry of Health of all the powers and duties under the Gas and Water Works Facilities Acts, 1870 and 1873, in relation to water undertakings.

(ii) By Order in Council dated 1921 the powers and duties of the Minister of Health as successor to the Local Government Board under the Representation of the People Act, 1918, were transferred in 1921 to the Home Office.

Four Consultative Councils were established on 14th July, 1919, from among persons of experience in the various spheres of activity indicated. The respective duties of these Councils are to give advice and assistance on matters relating to—

- (1) Medical and allied services;
- (2) National Health Insurance;
- (3) Local health administration;
- (4) General health questions.

The Ministry possesses appellate jurisdiction, as e.g. under the Private Street Works Act, 1892.

The following departments are also under the Ministry of Health—

(1) *The General Register Office* is responsible for the registration of births, deaths and marriages in England and Wales, and the preparation of vital statistics. Each County and County Borough is divided into districts, each with a Registrar formerly appointed by the Board of Guardians. Over these Registrars is a Superintendent Registrar (who was usually the Clerk to

the Guardians) for a combination of districts. It is the duty of the Superintendent Registrar to verify all entries of births, deaths and marriages, and forward them quarterly to the Registrar-General. The Office is also responsible for the work of the Census of population.

As from 1st April, 1930, the Local Government Act, 1929, Part II, transferred the duties from the Boards of Guardians to the County Councils and County Borough Councils, and in the case of London to the Common Council of the City of London and the Metropolitan Borough Councils.

(2) *The Board of Control* was created by the Mental Deficiency Act, 1913, for the purpose of administering the Acts relating to persons of unsound mind and mental defectives.

7. **MINISTRY OF AGRICULTURE AND FISHERIES.** The Board of Agriculture was established in 1889. Its powers were extended in 1903, when it became known as the Board of Agriculture and Fisheries. By Part I of the Ministry of Agriculture and Fisheries Act, 1919, a Ministry was substituted for the Board. In December, 1919, the Ministry was reorganized. The work of the Ministry is divided into five divisions, viz.: (1) Intelligence, (2) Land and Supplies, (3) Finance and Economics, (4) Fisheries, (5) Welsh Division.

Part II of the Act of 1919 has introduced important alterations in the working constitution of the Ministry. For the purpose of assisting the Ministry in executing their powers and duties, the Act established a Council of Agriculture for England, a similar Council for Wales, and an Agricultural Advisory Committee for England and Wales.

Part III of the Act deals with the establishment of County Agricultural Committees described in Chapter XIII. In August, 1922, the Ministry issued a notice stating that the Treasury, on the recommendation of the Development Commission, had made a grant towards the establishment of a Rural Industries Intelligence Bureau, whose object it was to provide skilled advice to all who were concerned in the promotion and extension of these industries.

8. **THE MINISTRY OF TRANSPORT** was established by the Ministry of Transport Act, 1919, for improving the means of, and the facilities for, locomotion and transport. The Act provided for the transfer to the Minister by Order in Council of all powers and duties of any Government Department in relation to (a) railways; (b) light railways; (c) tramways; (d) canals, waterways and inland navigation; (e) roads, bridges, and ferries, and vehicles and traffic thereon; (f) harbours, docks, and piers. The Ferries Act, 1919, has made provision for the establishment by local authorities of ferries, the tolls for which are subject to the approval of the Minister.

The Electricity (Supply) Act, 1919, provides for the Ministry of Transport to set up Electricity Commissioners and to enable these commissioners in certain circumstances to group areas and to establish joint electricity commissioners.

The Electricity (Supply) Act, 1926, provides for the establishment of a Central Electricity Board by the Ministry of Transport for the more efficient and economical distribution of electricity and the standardization of frequency.

The Ministry possesses appellate jurisdiction, as in the case of omnibus routes.

9. THE MINISTRY OF LABOUR was established in January, 1917, by the New Ministries and Secretaries Act, 1916. There has been transferred to this Department the powers and duties of the Board of Trade under the Conciliation Act, 1896, Labour Exchanges Act, 1909, Trade Boards Acts, 1909 and 1918, and National Insurance (Unemployment) Acts. It is responsible for the issue of the Cost of Living Index figures, and Retail Prices Index.

10. THE MINISTRY OF PENSIONS was created by the Ministry of Pensions Act, 1916, to unify the administration of pensions, grants and allowances relating to the Naval and Army pensions, other than service pensions.

11. THE POST OFFICE, besides its ordinary business, collects certain local taxation licences for the County Councils and County Borough Councils, viz. dog, gun, game, male servants, and armorial bearings. It sells National Insurance Stamps on behalf of the Ministry of Health and the Ministry of Labour. It pays Old Age, Widows' and Orphans' Pensions, Naval, Army, and Air Services Separation Allowances and Pensions, and sells National Savings Certificates and Stamps.

12. THE CHARITY COMMISSIONERS. The Charity Commission was established in 1853 "for the better administration of Charitable Trusts in England and Wales."

In 1879 the powers previously exercised by the Endowed Schools Commissioners were permanently transferred.

By Orders in Council the powers of the Commissioners over all endowments for purely educational purposes were transferred in 1899 to the Board of Education.

The work has been extended and brought into closer relation with the local authorities under the War Charities Act, 1916, and the Blind Persons Act, 1920, which provide for the registration by local authorities of certain charities. Their consent is required to the reconstruction of charitable bequests.

The Charitable Trusts Act, 1925, makes the official trustees of charitable funds a body corporate, with an official seal, which must be officially and judicially noticed.

POWERS OF MINISTERS.

In October, 1929, a Committee was appointed by the Lord Chancellor under the Chairmanship of the Earl of Donoughmore, K.P., to "consider the powers exercised by or under the direction of (or by persons or bodies appointed specially by) Ministers of the Crown by way of (a) delegated legislation, and (b) judicial or quasi-judicial decision, and to report what safeguards are desirable or necessary to secure the constitutional principles of the sovereignty of Parliament and the supremacy of the Law." The Report of the Committee was issued in June, 1932.

The following are the points from the Report which relate to Local Government—

1. DELEGATED LEGISLATION.

- (1) Simplification of nomenclature.
- (2) Powers should be clearly defined.
- (3) "Henry VIII Clause" should be exceptional.

This clause which confers power on a Minister to modify the provisions of Acts of Parliament, e.g. Section 130 of the Local Government Act, 1929) should be abandoned in all but the most exceptional cases, and should not be permitted by Parliament except upon special grounds stated in the Ministerial Memorandum attached to the bill.

- (4) Limits on the "Clause" if used:

The "Henry VIII Clause" should—

(a) Never be used except for the sole purpose of bringing an Act into operation;

(b) Be subject to a time limit of one year from the passing of the Act.

- (5) Exclusion of the jurisdiction of the courts should be exceptional.

- (6) Limits on such exclusion.

- (7) The right and duty of the Courts.

Except where immunity from challenge is intentionally conferred, there should not be anything in the language of the statute even to suggest a doubt as to the right and duty of the Courts of Law to decide in any particular case whether the Minister has acted within the limits of his power.

- (8) The Rules Publication Act, 1893, should be amended.

- (9) General applicability of new Act.

- (10) Consultation with those concerned.

- (11) Explanation of new regulations.

- (12) Standardization of procedure for laying before Parliament.

- (13) Explanatory memorandum with delegating bills.

- (14) Proposed Standing Committee of each House.

Standing Orders of both Houses should require that a small Standing Committee should be set up in each House of Parliament at the beginning of each session for the purpose of—

(a) Considering and reporting on every Bill containing a proposal to confer law-making power on a Minister;

(b) Considering and reporting on every regulation and rule made in the exercise of delegated legislative power, and laid before the House in pursuance of statutory requirement.

(15) Drafting of delegated legislation.

It is stated that the above recommendations are intended to apply to such bodies as the Electricity Commissioners, who are appointed by the Minister of Transport with the concurrence of the Board of Trade, and carry their powers into effect under the Minister's directions.

2. JUDICIAL DECISIONS.

This matter is dealt with in the next chapter.

CHAPTER IV

THE JUDICATURE

JUDICIAL DECISIONS. The Report of the Committee on Ministers' Powers, which was issued in June 1932, in dealing with the principle of the Rule of Law, recommended the following safeguards---

(a) (i) The maintenance of the jurisdiction of the High Court to review and, if necessary, to quash the proceedings on the ground that the Minister or the Ministerial Tribunal has exceeded the statutory powers.

(ii) The existence of a simple procedure for the purpose.

(b) The vigilant observance by the Minister or the Tribunal of the principles of natural justice.

(c) In every case in which a statutory public inquiry is held, the publication of the report of the person holding the inquiry, subject only to the reservation that there may be exceptional cases, where on special grounds the Minister may hold that publication would be against the public interest.

(d) (i) The right of any party aggrieved by a judicial decision to appeal to the High Court on any question of law within a short stated time; and

(ii) The existence of a simple procedure for the exercise of such right.

It is essential, therefore, that the judicial system should be studied, in outline, for a more complete understanding of the subject.

This may be classified into—

1. The Supreme Court of Judicature.
2. County Courts.
3. Petty Sessions.
4. The Court of Quarter Sessions.

1. THE SUPREME COURT OF JUDICATURE.

The Supreme Court of Judicature was founded by the Supreme Court of Judicature Act, 1873, which with its various amendments was consolidated in an Act of 1925. It consists of—

(a) The High Court of Justice.

(b) The Court of Appeal.

(1) The High Court of Justice has three divisions—

(a) The King's Bench Division.

(b) The Chancery Division.

- (c) The Probate, Divorce, and Admiralty Division.
- (a) *The King's Bench Division* deals with contracts, torts, agency, partnership, companies, the sale of goods, etc.
- (b) *The Chancery Division* has assigned to it—
- (i) The jurisdiction exercised by the High Court of Chancery.
 - (ii) Estates.
 - (a) The administration of estates of deceased persons.
 - (b) The raising of portions or other charges on land.
 - (c) The redemption or foreclosure of mortgages.
 - (d) The sale and distribution of the proceeds, subject to any lien or charge.
 - (e) The specific performance of contracts between vendors and purchasers of real estates, including contracts for leases.
 - (f) The partition or sale of real estates.
 - (iii) Partnerships. The dissolution of partnerships or the taking of partnership or other accounts.
 - (iv) Trusts. The execution of trusts, charitable or private.
 - (v) Wards. The wardship of infants and the care of infants' estates.
 - (vi) Statutory Jurisdiction. Acts of Parliament have, from time to time, assigned other matters to the Chancery Courts. The statutory jurisdiction of the Court of Chancery related principally to—

- | | |
|-----------------------------|--------------------|
| (a) Charities. | (d) Infants. |
| (b) Companies (Winding-up). | (e) Married Women. |
| (c) Trusts. | (f) Bankruptcy. |

The common attribute of all these causes is that they relate to property.

(c) *The Probate, Divorce, and Admiralty Division* has jurisdiction *inter alia* over—

- (i) Probate of wills.
- (ii) Grants of letters of administration.

Appeal lies from the above to the Court of Appeal and thence to the House of Lords.

2. COUNTY COURTS—

These Courts were constituted in their present form in 1846 and possess a limited jurisdiction—

- (a) Geographically.
- (b) As to amount.

Jurisdiction includes—

- (i) Actions founded on contract and tort limited to £100.
- (ii) Actions relating to real property of an annual value not exceeding £20.

(iii) Chancery Court actions, viz.—

(a) Equity of jurisdiction provided property does not exceed £500 in value.

(b) Ejectments, or questions of title to real property if annual value does not exceed £100.

(c) Probate jurisdiction if estate does not exceed £200 personalty and £300 realty.

(iv) Admiralty actions.

(v) Actions in bankruptcy, and replevin to any amount.

(vi) Company winding up, when paid up capital does not exceed £10,000.

(vii) Miscellaneous actions, including actions under—

(a) Agricultural Holdings Acts, by farmers for improvements.

(b) Open Spaces Acts, 1875 and 1906.

(c) Settled Land Act, 1925.

(d) Increase of Rent and Mortgage Interest (Restriction) Acts.

(e) Landlord and Tenant Act, 1927.

(f) Housing Act, 1930.

(g) Public Health Acts.

If the local authority prefer they may sue in the County Court, and not before the justices of the peace, for amounts under £50 (Public Health Act, 1875, Sec. 261), but the six months limitation applies just as if the case were in the petty sessions. (*West Ham L. B. v. Maddams*, 1876, L.R.1 Ex.D. 516n.)

3. PETTY SESSIONS.

Two justices of the peace, or one stipendiary magistrate comprise a Court of Summary Jurisdiction.

The Civil jurisdiction includes—

Appeals under—

(a) The Private Street Works Act, 1892.

(b) Town and Country Planning Schemes, e.g. Section 13, Act 1932.

(c) Public Health Acts.

All offences against the Public Health Acts, and all penalties, forfeitures, costs, and expenses are prosecuted and recoverable before the justices of the peace unless otherwise stated. Unless the offence is a continuing one, the limitations period in all these cases is six months.

The council for the district and also any party aggrieved may sue or prosecute without any preliminary steps. All other persons or bodies must obtain the consent of the Attorney-General, except that a council may proceed without such consent, against persons or property outside their district which are causing

nuisance (within the meaning of the Public Health Acts) or breaking the law as to offensive trades.

4. THE COURT OF QUARTER SESSIONS.

This Court is one of the oldest institutions in the country. It may be either—

(a) Borough, a separate court presided over by a recorder, who must be a barrister of at least five years' standing.

(b) County, consisting of the whole of the county justices of the peace (or as many as can be accommodated in the court house) sitting together, and presided over by a chairman.

The civil jurisdiction includes—

(i) Granting the certificates for diversion or stopping up of highways. (Highways Act, 1835, Secs. 84–91.)

(ii) Appeals against an order relative to obstructive building. (Housing Act, 1925, Sec. 22 (1).)

(iii) Appeals against decisions of a Court of Summary Jurisdiction under the Town and Country Planning Act, 1932.

In the county, the Court of Quarter Sessions must make proper arrangements for "keeping the peace of the county," appointing one-half of the Standing Joint Committee and also Prison Visiting, County, Licensing, and other committees.

The subject is more fully treated in *Outlines of Central Government including the Judicial System* (Pitman).

CHAPTER V

REGISTRATION AND ELECTIONS

LOCAL GOVERNMENT ELECTORS

THE Representation of the People Acts, 1918 to 1928, made a sweeping change in the qualification of electors so far as local government elections and the right to vote at any such elections are concerned. By the Sixth Schedule of the Representation of the People Act, 1918, electors qualified under the provisions are substituted for any reference in any other Act to local government electors, county electors, burgesses, parochial electors, or other persons entitled to vote at a local government election, by whatever name called. Local government electors so registered are in the same position for all electoral purposes, whether statutory or otherwise, as any such local government electors, county electors, burgesses, parochial electors, or persons.

LOCAL GOVERNMENT FRANCHISE

For the purpose of providing that the local government franchise shall be the same for men and women, subsection (3) of Section 4 of the Representation of the People Act, 1918, was repealed by the Representation of the People (Equal Franchise) Act, 1928. Section 2 of the 1928 Act was substituted for Section 3 of the 1918 Act. It provides that a person shall be entitled to be registered as a local government elector for a local government electoral area, if he or she is of full age and not subject to any legal incapacity, and

(a) is on the last day of the qualifying period occupying as owner or tenant, any land or premises in that area ; and

(b) has during the whole of the qualifying period, so occupied any land or premises in that area, or, if that area is not an administrative county or a county borough, in any administrative county or county borough in which the area is wholly or partly situate; or

(c) is the husband or wife of a person entitled to be so registered in respect of premises in which both the person so entitled and the husband or wife, as the case may be, reside.
Provided that—

(i) for the purposes of this section a person who inhabits any dwelling-house, by virtue of any office, service, or employment, shall, if the dwelling-house is not inhabited by the person in

whose service he or she is in such office, service, or employment, be deemed to occupy the dwelling-house as a tenant; and

(ii) for the purpose of this section the word "tenant" shall include a person who occupies a room or rooms as a lodger only where such room or rooms are let to him in an unfurnished state.

(iii) for the purpose of paragraph (c) of Section 2, a naval or military voter who is registered in respect of a residence qualification which he or she would have had but for his or her service, shall be deemed to be resident in accordance with the qualification.

REGISTRATION OFFICER

(1) City of London: The Secondary.

(2) The County of London: The Town Clerk of the Metropolitan Borough.

(3) Borough or County Borough: The Town Clerk.

(4) Where the registration area is a Parliamentary County contiguous with or wholly contained in one Administrative County: The Clerk of the County Council.

(5) Where Registration area is a Parliamentary County not co-terminous with or wholly contained in one Administrative County: Such Clerk of the County Council as the Secretary of State appoints.

Any of the duties and powers of the registration officer may be performed and exercised by any deputy for the time being approved by the Secretary of State. The duty of the Registration Officer is to compile the Register of Electors in accordance with the rules of the Act.

THE REGISTER OF ELECTORS

It is a condition precedent to exercising the vote that the elector should be placed upon the Register of Electors, which will include electors for county, municipal, metropolitan boroughs, district and parish councils. Any person may claim to be placed upon the register, and anyone may object to such claims.

The Economy (Miscellaneous Provision) Act, 1926 (Sec. 9 (1)), provided for the substitution of one register for Parliamentary and local government electors for each year instead of the spring and autumn registers provided for by the Representation of the People Act, 1918.

Section 11 of the Act, provides that Part III thereof "may be cited as the Representation of the People (Economy Provision) Act, 1926, and shall be construed as one with the Representation of the People Acts, 1918 to 1922, and those Acts and this part of this Act may be cited together as the Representation of the People Acts, 1918 to 1926."

THE QUALIFYING PERIOD

The "qualifying period" referred to in the 1918 Act, as amended by the Representation of the People Acts, 1926 and 1928, is the period of three months ending on the first day of June and including that day.

Provided that in relation to a person who is a naval or military voter, or who has been serving as a member of the naval, military, or air forces of the Crown at any time during the said three months and has ceased so to serve, one month shall be substituted for three months as the qualifying period.

LEGAL INCAPACITY

(a) The following persons may not be registered: (i) infants, i.e. persons under 21 years of age; (ii) aliens, traitors or felons, persons of unsound mind, inmates of poor law institutions, bankrupts, persons convicted of corrupt practices, election agents, judges, sheriffs.

(b) Contractors, other than members of limited liability companies or industrial and provident societies and others, may not be elected.

(c) The following persons may not vote at local government elections, viz. judges, sheriffs, election agents. A returning officer, if registered as an elector, may give a casting vote in the event of a tie.

MACHINERY FOR REGISTRATION

1. It is essential that a complete canvass should be made throughout the registration area to ascertain the names of persons qualified to be registered as electors.

2. Every occupier should, as directed in the Circular of the Home Secretary of 14th January, 1930, also be supplied with the appropriate Form of Return A or D, and the information contained in the Return will be used for the purpose of supplementing and verifying the particulars obtained by the canvassers. In the delivery of the Forms, regard should be had to the remarks under Heading 2 of the Circular of 8th October, 1928, R.P.137.

3. The Home Office issued a circular letter in April, 1930 (548894/8), with reference to certain matters in connection with the preparation of the Register of Electors and the Jurors Book.

4. The dates applicable to the proceedings in preparing the Register are those specified in the Third Schedule to the Representation of the People (Economy Provisions) Act, 1926, viz.—

End of three months' qualifying period: 1st July.

Publication of electors lists: 15th July.

Last day for notice of objections to electors lists: 31st July.

Last day for claims as absent voters: 18th August.

Last day for notification of desire of naval or military voter not to be placed on absent voters list: 18th August.

Publication of lists of objections to electors lists: 13th August.

4. Publication of lists of claimants: 13th August.

Last day for objections to claimants: 18th August.

Publication of lists of objections to claimants: 18th August (as soon as practicable after).

5. The dates until which documents are to be kept published are set out in Schedule IX in the Representation of the People Order, R.P.134.

6. The last day for claims for out-voters in a county constituency or a district of boroughs is the 18th August.

7. The Register comes into force on 15th October.

APPEALS

An appeal lies from the decision of a registration officer to the County Court, and on a point of law from the County Court to the Court of Appeal.

RIGHT TO VOTE

Once placed upon the register any person not suffering from legal incapacity, such as infancy or insanity, is entitled to vote. The refusal by a returning officer at an election to accept the vote of any person of capacity upon the register is an infringement of a right of property, and renders the returning officer liable to an action for damages. (*Ashby v. White* (1704), 2 Lord Raymond, 938; K. & L. 72.)

EXPENSES OF REGISTRATION

1. Approved expenses of duly authorized persons in connection with the registration of electors shall be paid by the Council for whom the Town Clerk, or Clerk, is employed or designated as Registration Officer. In the case of a County, out of the County Fund; Borough or Urban District, out of the General Rate.

2. The Treasury make a grant of one-half of the approved expenditure incurred by the Council in connection with the registration of electors.

3. Fees, etc., received by registration officers in connection with the performance of their duties, shall go to the credit of the account to which the expenses of registration are debited.

4. The Councils of the County and the Borough are empowered to levy, as general expenses, the cost incurred or to be incurred in connection with the registration of electors, after deducting the Treasury grant, when levying their County or General Rate.

5. Districts not co-terminous or wholly contained in the administrative county or borough having incurred expenses, such

expenses shall be charged against the County or Borough concerned.

LOCAL GOVERNMENT ELECTIONS

(a) *County Councils.*

Councillors are elected to County Councils triennially. Elections are held for each administrative county as a whole every third March. County Aldermen are elected by the Councillors for six years, one-half retiring by rotation every third year at the same time as the Councillors.

(b) *Borough Councils.*

Councillors of Boroughs, whether County or non-County Boroughs, are elected for three years, one-third retiring by rotation each November. Aldermen are elected for six years by the Councillors, one-half retiring triennially.

(c) *Urban and Rural District and Parish Councils.*

The Councillors of these bodies likewise hold office for three years and retire by thirds each year, but in both cases the County Council may, on the application of the District or Parish Council, provide for simultaneous retirement every third year. The elections for these Councils are held in April.

QUALIFICATIONS OF COUNCILLOR

The requisite qualifications are dealt with in the various chapters which follow on the constitution of local authorities.

Certain qualifications apply only to particular classes of authorities, but the following qualifications are common to all local authorities.

(i) Registration as a local government elector within the particular area.

(ii) Ownership of property held by freehold or leasehold or any other tenure within the area of the authority (Section 10 of the Representation of the People Act, 1918).

(iii) Residence for twelve months immediately preceding the election.

The Sex Disqualification Removal Act, 1919, enables women to be elected to local authorities on the same basis as men.

The Ministers of Religion (Removal of Disqualifications) Act, 1925, provided that as from the 31st July, 1925, no person should be disqualified for being elected or being a Councillor of a borough by reason only that he is in holy orders or the regular minister of a dissenting congregation.

DISQUALIFICATIONS OF COUNCILLORS

1. The following persons are disqualified from being elected to or serving on a parish or urban district or rural district council—

(a) Infants; (b) Aliens;

(c) Persons in receipt of poor relief (except medical or surgical relief or relief under the Blind Persons Act, 1920), within twelve months. (Local Government Act, 1929, Section 10.)

(d) Persons who within five years have been convicted or sentenced to imprisonment without the option of a fine;

(e) Persons who have been adjudged bankrupt, or who have made a composition with their creditors;

(f) Persons who hold paid office, or are concerned in a bargain or contract with the council.

2. The Audit (Local Authorities) Act, 1927, provides that any person surcharged to an amount over £500 shall, subject to appeal to the High Court, be automatically disqualified for service on a local authority for five years.

3. *Disqualification of Borough and County Councillor*, in addition to those in paragraph 1 above—

A person shall be disqualified for being elected and for being a councillor, if and while he

(a) Is an elective auditor, or holds any office or place of profit (other than that of mayor or sheriff) in the gift or disposal of the council; or

(b) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of, the council.

A borough councillor, who is also a salaried managing director of a limited liability company having a contract with the council of which he is a member, has been held not to be disqualified, though a partner in a private firm in similar circumstances is disqualified. (*Lapish v. Braithwaite* (1926), A.C. 275; *In re Sir Stuart Samuel* (1913), A.C. 514.)

MODE OF ELECTIONS

Election is by ballot, in accordance with the Ballot Act, 1872, and the Corrupt and Illegal Practices Acts, except for Parish Councils where a show of hands will suffice, unless a poll is demanded. Bills have been introduced to extend the transferable vote system of proportional representation to local government elections in England and Wales. Although a Bill passed the House of Lords it has been defeated on second reading in the House of Commons on each occasion.

CORRUPT AND ILLEGAL PRACTICES

The subject is governed by the

(i) Municipal Electors (Corrupt and Illegal Practices) Act, 1911, which is construed as one with the

(ii) Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and the

(iii) Corrupt and Illegal Practices Prevention Act, 1895.

The provisions are to be read as one with the Municipal Elections (Corrupt and Illegal Practices) Act, 1884. The Act of 1884 was originally a temporary Act, kept in force by successive Expiring Laws Continuance Acts, but it was eventually made permanent by (iv) the Representation of the People Act, 1918.

(a) The Act deals primarily with municipal elections, but by Secs. 48 (3) and (8) of the Local Government Act, 1894, its provisions, together with those of Part IV of the Municipal Corporations Act, 1882, are generally extended, subject as in that section mentioned, and subject to the modifications prescribed by the Ministry of Health, to elections of councillors of non-municipal districts and of parish councillors.

(b) The Act also applies, by virtue of the Local Government Act, 1894, and the London Government Act, 1899, to elections of metropolitan borough councillors.

(c) Under the Local Government Act, 1888, the Act also applies to elections of members of county councils.

(d) The Act applies in the case of a borough to elections of the aldermen, of the mayor, and of an elective auditor, as well as to elections of borough councillors. It applies also to elections of the chairman and aldermen in the case of a county council and a metropolitan borough council.

PENALTIES

1. A person guilty of an offence of illegal payment, employment or hiring, shall, on summary conviction, be liable to a fine not exceeding £100.

2. Where an offence of illegal payment, employment, or hiring is committed by a candidate, or with his knowledge and consent, such candidate shall be guilty of an illegal practice (Sec. 17).

3. Section 7 of the Act, provides that "a person guilty of an illegal practice in reference to a municipal election shall on summary conviction be liable to a fine not exceeding £100, and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at an election (whether it be a Parliamentary election or an election for a public office within the meaning of this Act) held for or within the borough in which the illegal practice has been committed."

4. "Public office" here means (*inter alia*) the office of mayor, chairman, alderman, councillor of a borough, or other local authority in any county, city, borough, sanitary district, or other area.

5. It appears that the effect of the loss of the local government franchise for five years will be to deprive a person for that period

of qualification for membership of a local government body, unless—

(a) In the case of parish, district, or metropolitan borough councils he possesses the resident qualification; or

(b) Is the owner of freehold or leasehold property or property of any other tenure within the area of the local authority (Sec. 10 of the Representation of the People Act, 1918); or

(c) Peers owning property in the county (Local Government Act, 1888); or

(d) In the case of the county or borough councils, possesses the residence qualification provided by the County and Borough Councils (Qualification) Act, 1914; or

(e) The above-mentioned property qualification prescribed by the Act of 1918.

6. Section 31 of the Act of 1884 provides that if any person, in consequence of conviction or of the report of an election court under the Act, becomes not capable of being elected to or sitting in the House of Commons, or of being elected to or holding any public or judicial office, and such person, at the date of the said conviction or report, has been so elected or holds any such office, then his seat or office, as the case may be, shall be vacated as from that date.

7. By Sec. 22 of the Act of 1884, every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at a municipal election is prohibited from voting at such election, and if any such person votes his vote shall be void and shall be struck off on a scrutiny.

ELECTION PETITIONS

(a) Various sections of the Act of 1884 regulate the procedure relating to election petitions in which charges are made of illegal practices having been committed during the election.

(b) Section 19 deals with certain excuses and exceptions for corrupt or illegal practice or illegal payment, employment, or hiring which may be adduced before an election court, and Sec. 20 with the power of the High Court or election court to except an innocent act from being an illegal practice, etc.

(c) "Corrupt practices" under the Act mean treating, undue influence, bribery and personation, and aiding, abetting, counselling, and procuring the commission of the offence of personation (Sec. 2).

(d) Section 3 of the Act deals with the incapacity of a candidate reported by an election court as guilty of corrupt practices.

QUALIFICATION OF JURORS

1. By the Juries Act, 1922, the separate lists of Jurors

disappeared, but the qualifications and disqualifications were with certain exceptions left alone.

2. The Juries Act, 1922, enacts that "lists of the persons qualified and liable to serve as jurors shall cease to be prepared in accordance with the provisions of the Juries Act, 1825, as amended by any subsequent enactment, and the jurors books shall be prepared in accordance with the following provisions of this section": Sec. 1 (1).

3. The procedure is prescribed by the Juries Act, 1922, and the Juries Order, 1927, as amended by the Local Government Act, 1929, Sec. 79, for marking in the electors lists the names of persons qualified and liable to serve as jurors or special jurors.

4. It thus became the duty of every Registration Officer, within the meaning of the Representation of the People Act in making out the electors lists for the register for any year, to mark in the prescribed manner the names of such of the persons included in the lists as were qualified and liable to serve as jurors and the names of such persons so qualified and liable as were qualified to serve as special jurors: Sec. 1 (2). This is effected by the letters "J" and "SJ" in heavy type being put against the names in Column 3.

5. The procedure prescribed by the Juries Act, 1922, and the Juries Order, 1927, for marking in the electors lists the names of persons qualified and liable to serve as jurors or special jurors remains unaltered.

6. The Local Government Act, 1929, provides that for the purpose of determining the qualification of a juror or special juror, the rateable value of any property is to be taken to be the net annual value appearing in the valuation list in force or, if the property is not included in that list, the net annual value thereof for income tax purposes, any necessary apportionment of that value being made by the Registration Officer. By Sec. 81 of the Act, the Registration Officer may obtain from the Inspector of Taxes copies of annual values for the time being in force for purposes of income tax, but such returns should be necessary only in border-line cases where special difficulty arises.

7. For the purpose of enabling registration officers to perform their duties under the section, the officers of every parish are, if so required by the registration officer of their area, to furnish to him, in the prescribed manner, particulars with respect to the persons in their parish who are, on the last day of the qualifying period for registration in the register, qualified and liable to serve as jurors or qualified to serve as special jurors (Sec. 1 (3)).

SECTION II

Local Authorities in England and Wales

CHAPTER VI

THE PARISH COUNCIL

1. THE PARISH is of Saxon origin. England was first divided into parishes in A.D. 670, by Theodore of Tarsus, Archbishop of Canterbury. For local government purposes the parish means "a place for which, prior to the Rating and Valuation Act, 1925, a separate poor rate is or can be made, or for which a separate overseer is or can be appointed." The parish is not only the unit of local government but may be considered as the original area for local government. Out of it developed the original Parliament.

The Civil Parish is either rural or urban. Any parish which lies within an urban sanitary district is an Urban Parish, all other parishes are Rural Parishes.

There are also Ecclesiastical and Land Tax Parishes, which are not, however, areas for any local government purpose.

THE RURAL CIVIL PARISH is subject to the Local Government Act, 1894, and its amendments. It is governed by a Parish Council or a Parish Meeting. It is necessary to distinguish between a Parish Meeting and a Parish Council.

PARISH MEETING

2. PARISH MEETING is an assembly of all the local government electors of the Parish.

Where no Parish Council is elected the following provisions apply—

(1) The *Chairman* and councillor or councillors on the Rural District Council are a corporate body with perpetual succession, but without a common seal, and are called the representative body of the parish.

(2) *Meetings*—There is an annual meeting between 1st March and 1st April, and one other meeting. Further meetings may be called at any time by the Chairman or any six electors.

(3) *Committees* may be appointed, which must report their acts for the approval of the Meeting.

(4) *Powers and Duties*—

(a) Appointment of two representatives on Rating Committee under Section 1 (4) of the Rating and Valuation Act, 1925.

(b) Disposal of parish property.

(c) All or any powers of a Parish Council.

(5) *Officers*.—A paid clerk may be appointed with the consent of the County Council. An unpaid treasurer may be appointed.

(6) *Rates*.—The Parish Meeting cannot directly levy a rate. Expenditure, limited to proceeds of 8d. rate, *inclusive* of Adoptive Acts, is met by precepts (or orders) upon the Rating Authority, the amounts of which are collected as part of the General Rate.

(7) *Accounts*.—Made up yearly to 31st March, and audited by the District Auditor of the Ministry of Health.

3. *Where there is a Parish Council* the Parish Meeting has the right of veto in reference to—

- (i) Stopping or diversion of a highway.
- (ii) The adoption of the Adoptive Acts by the Parish Council.
- (iii) Expenses necessitating the levying of a rate above 4d. in the £.
- (iv) The raising of a loan.

PARISH COUNCIL

4. A PARISH COUNCIL is elected in all parishes where the population is over 300. A parish whose population is less than 300 may elect a Parish Council if the Parish Meeting so decides. This power is subject to the proviso that in parishes whose population is less than 100, the consent of the County Council must be obtained as well. Parishes may be grouped under one Parish Council by an Order issued by the County Council with the consent of the Parish Meetings. The election takes place at the Annual Parish Meeting. Voting is by show of hands, unless a poll is demanded.

(1) *Constitution*.—Five to fifteen members elected for three years by the local government electors at a meeting held on the first Monday after the 10th March or, if the first Monday in April is Easter Monday, the first Monday after 3rd March.

Councillors must be—

- (i) Local government electors of the parish; or
- (ii) Any person, male or female, resident within the parish or within three miles of the parish during the whole of the twelve months preceding the election.
- (iii) Owners of property as defined on page 25.

(2) The Parish Council is a corporate body with perpetual succession, but without a common seal. The Chairman may be elected from outside the Council, but must be qualified to be a councillor.

(3) *Meetings*.—There is an Annual Meeting on or within seven days of the 15th April and three other meetings. Special meetings may be called by the Chairman or two Councillors.

(4) *Committees* may be appointed, including a Parochial Committee, under the Public Health Acts.

(5) *Powers and Duties*—

(a) *General*—Appointment of two representatives on Rating Committee. Administration of non-ecclesiastical charities. Appeal to Assessment Committee and Quarter Sessions against valuations and rates. Provision of parish room, books, and chest for the safe custody of the records.

(b) *Sanitary and Housing*—It is not a sanitary authority, but may act in these matters by arrangement for Rural District Council.

(c) *Highway*—May maintain and repair footpaths. Maintain rights of way. Veto stopping or diversion of highways.

(d) *Education*—May be minor Education Authority, with power to appoint one manager to each non-provided elementary school, and two managers to each provided elementary school.

(e) *Land*—May provide land for authorized purposes, including public walks and recreation grounds.

(f) *Small Holdings and Allotments*—May provide allotments.

(g) May administer the parochial Adoptive Acts (described in Chapter XIII) if approved by Parish Meeting.

(6) *Officers* are Clerk and Treasurer.

(7) *Rates*—Cannot directly levy a rate. Expenditure is met by precepts on the Rating Authority, is limited to 4d. in the £ (or with the approval of the Parish Meeting, 8d. in the £), *exclusive* of expenditure under the Adoptive Acts.

(8) *Loans* may be raised, subject to the approval of the Parish Meeting and the County Council.

(9) *Accounts* are made up yearly to 31st March, and are audited by the District Auditor. (See Chapter XXVIII.)

5. **PROMOTION OF PARISH COUNCIL to a District Council.** Although the Parish Council was originally intended for the administration of rural areas, there are certain parishes with populations of several thousands governed by Parish Councils. Such parishes should be under Urban District Councils and the change may be effected as described in Chapter VII.

6. **ROYAL COMMISSION ON LOCAL GOVERNMENT.** On 6th August, 1926, the terms of reference to the Royal Commission on Local Government, of which Lord Onslow was Chairman, were extended so as to enable the Commission to make recommendations as to the constitution, area, and functions of Parish Councils and Parish Meetings, and to investigate the relations between these authorities and other local authorities within the scope of the Commission's inquiry. The Final Report was issued in December, 1929.

7. **THE LOCAL GOVERNMENT ACT, 1929, Part IV,** provides that the County Council must review at intervals their areas. (See page 8.)

THE URBAN PARISH

The Vestry Meeting is a meeting of the Inhabitants and Ratepayers of the Parish and is still held in urban areas where the Urban District Council or Borough Council have not obtained the powers of the Vestry under the Local Government Act, 1894. The Rating and Valuation Act, 1925, has shorn the Vestry of all its Local Government powers and duties, although it would still seem to have the power to appoint a Burial Board, where the Burial Acts, 1852 to 1906, have been adopted by the Vestry, and not yet been taken over by the urban sanitary authority. Where the population is 2,000, a salaried Vestry Clerk may be appointed. This is now virtually of historical interest only.

THE ECCLESIASTICAL PARISH

(1) *The Church of England Assembly (Powers) Act, 1919*, provided for the institution of a Parochial Church Meeting, a Parochial Church Council, and a National Assembly of the Church of England.

(2) *The Parochial Church Council (Powers) Measure, 1921*, which received the Royal Assent under the Church of England Assembly (Powers) Act, 1919, on 1st July, 1921, was responsible for revolutionary changes in the law relating to the Parish Church. It is a measure to confer powers on Parochial Church Councils and to amend the law relating to the parochial organization of the Church of England and for other purposes connected therewith.

The office of Churchwarden still exists, but the principal duties of the office were transferred to the Council. The Vestry will continue to meet, but has been shorn of most of its ancient powers.

(3) *Constitution*.—Every Council is a body corporate by the name of the Parochial Church Council of the parish for which it is appointed, and has perpetual succession. Any act of the Council may be signified by an instrument executed at a meeting of the Council and under the hands of or (if an instrument under seal is required) under the hands and seals of the Chairman presiding at the meeting and two other members of the Council.

(4) *Powers and Duties*.—

(a) To co-operate with the Incumbent in the initiation, conduct, and development of Church work both within the parish and outside.

(b) Powers, duties and liabilities of the Vestry except as regards the administration of ecclesiastical charities and the election of churchwardens and sidesmen.

(c) Powers, duties and liabilities of the churchwardens relating to finance and accounts; the care, maintenance, preservation and insurance of the fabric of the church, and the goods and ornaments thereof. Also the care and maintenance of the

churchyard, including the rights previously possessed to recover from the rating authority the cost of maintaining closed churchyards.

(d) All powers, duties and liabilities of the Church Trustees (if any) for the parish appointed under the Compulsory Church Rate Abolition Act, 1868.

(5) Other clauses in the measure are concerned with technical matters and with the more intimate matters of Church work, e.g. Church accounts, qualifications of Churchwardens, Sidesmen, members of Council and presentation to the Bishops, etc. A schedule governs the procedure at meetings of the Council.

FINAL REPORT OF THE ROYAL COMMISSION ON LOCAL GOVERNMENT, 1929

Part I. Functions of Parish Councils and Parish Meetings.

(a) Powers and Duties of Parish Councils and Parish Meetings—

(i) Scavenging;

(ii) Village Halls.

(b) Procedure for adopting the Lighting and Watching Act, 1833.

(c) Limitation of Expenditure.

(d) Explanatory Leaflet as to Functions of Parish Councils and Parish Meetings.

(e) Parochial Committees—

(i) The development of the system.

(ii) Right of Appeal to County Council.

(iii) Facilities for Joint Committees.

(f) Liaison between Rural District Council and Parish Council.

Part II. Matters Relating to the Constitution of Local Authorities, viz. Election of Parish Councillors, either—

(a) By a scheme of election as outlined in the Report; or

(b) By the Ballot Act.

CHAPTER VII

THE DISTRICT COUNCIL

1. THE DISTRICT is the local government unit for sanitary purposes. In Saxon times the local unit next above the village was the Hundred, an institution found under various names all over Western Europe. This is thought to have been the ancient "run" of a pastoral group or clan, out of which, as agriculture developed, sub-settlements of agricultural villages or townships were created. At the very dawn of English history we find as a well established institution the attendance of the village representatives ("reeve, priest, and four men") at the hundred moot. This is often spoken of as the first example of political representation in England.

The sanitary district was constituted by the Public Health Act, 1872. The district is governed by an Urban District or a Rural District Council, in accordance with the Local Government Act, 1894.

The borough is an urban district for public health purposes and the sanitary work is performed by the Borough Council.

2. CREATION OF URBAN DISTRICT.—When a County Council is satisfied that a *prima facie* case has been made out for the creation of an urban district, it may hold an inquiry and make an order in accordance with Section 57 of the Local Government Act, 1888, and Section 54 of the Local Government Act, 1894. The initiative can best be taken by the Parish Council presenting a memorial to the County Council.

The Local Government Act, 1929, Part IV, provides that the County Council must review, at intervals, their areas. (See page 8.)

3. CONSTITUTION OF DISTRICT COUNCIL.—At least one councillor for each parish of 300 population. Such councillors are elected by the local government electors for three years from 15th April in the year of election. As a rule one-third retire annually.

(1) *Qualifications*.—Councillors must be—

- (a) Local government electors; or
- (b) Resident for at least twelve months;
- (c) Owners of property in the district, as defined on page 25.

(2) *Disqualifications* for being a chairman or councillor of an urban district or rural district council apply as shown on page 25.

3 The District Council is a corporate body with perpetual

succession and a common seal, and may hold land for the purposes of its powers and duties without licence in mortmain.

(4) The Chairman, who may be elected from outside the councillors, but must be qualified to be a councillor, is by virtue of his office a Justice of the Peace for the county, unless personally disqualified by any Act of Parliament.

(5) Meetings—The District Council, being the sanitary authority, must meet at least once a month. Other meetings may be called by the Chairman or any two councillors.

(6) Minutes—Local authorities are required to keep minutes of every meeting. The minutes must be entered in a book for the purpose and duly signed. (*Vide* Municipal Corporations Act, 1882 (Schedule II); Local Government Act, 1894 (Schedule I).)

4. COMMITTEES. The general observations relating to the Committees of the Borough Councils refer also to Committees of District Councils. Co-optation applies to all Committees.

5. POWERS AND DUTIES may be divided under three heads, viz.—

(1) *Those common to Urban and Rural District Councils*, viz.—

- (a) Public Health functions under various enactments.
- (b) Powers under the Housing and Town Planning Acts.
- (c) Power to make By-laws relating to Public Health.
- (d) Powers, duties, and liabilities of Justices out of session.
- (e) Powers under Borough Funds Acts as detailed in Ch. VIII.

(2) *Those applicable to Urban District Councils only*, viz.—

(a) Certain Public Health functions relating to urban areas, including—

(i) Contracts of a value or amount exceeding £50 to be under seal. (Public Health Act, 1875, Sec. 174.)

(ii) The issue of Stocks under Part V of the Public Health Acts Amendment Act, 1890.

(iii) Adoption of Private Street Works Act, 1892.

(iv) Roads: Classified. May claim to retain if estimated population in 1928 exceeds 20,000.

Unclassified. Maintained by Urban District Council.

(b) Educational: (i) Minor Education Authority; (ii) Power to aid or supply education other than elementary, limited to a 1½d. rate.

(c) Parochial Adoptive Acts as enumerated in Chapter XIII, including power to provide allotments.

(d) Management of trading undertakings. But rural authorities may supply electricity and water, and acquire ferries, and an interest in light railways.

(e) Where population is 10,000 or over, or there are over 400 allotments, Council must appoint an Allotments Committee under the Allotments Act, 1922.

(f) Where population is 20,000 or over the District Council is the authority under—

(i) Education Acts (Elementary Education Authority)—provided they possessed such powers at the passing of the Education (Local Authorities) Act, 1931.

(ii) Old Age Pensions Acts.

(iii) Shops Acts, 1912 and 1913.

(iv) Advertisement Regulation Acts, 1907 to 1925.

(g) Where population is 25,000 or over it may petition for appointment of Stipendiary Magistrate under the Act of 1863.

(h) Where population is 50,000 it may set up a Local Committee under Naval and Military War Pensions, etc., Acts, 1915 to 1921.

(i) Registration of War Charities.

(j) Any number of inhabitant householders in an urban district, irrespective of population, may apply for a Charter of Incorporation.

(3) *Those applicable to Rural District Councils only, viz.—*

(a) Public Health (Water) Act, 1878.

(b) Power to delegate sanitary duties to Parish Council.

(c) Powers of a Parish Council, if boundaries are co-extensive with a local government parish.

(d) Power to apply to County Council to become an Urban District Council.

(e) Such urban powers as may be granted under Provisional Order issued by the Minister of Health, e.g. those described in paragraph 5 (2) above.

(f) Housing. Higher grants and right to claim £1 per house for agricultural workers from County Council. (Housing (Rural Workers) Acts, 1925 and 1931.)

(g) *The Rural District Councils (Urban Powers) Order, 1931*, follows the recommendations of the Final Report of the Royal Commission on Local Government so far as it enjoins that the statutory powers, as distinct from duties, of urban and rural district councils should be more closely assimilated. It also provides a healthy solatium to the rural districts in compensation for the restriction of their work by the Local Government Act, 1929.

6. OFFICERS include—

- | | |
|--------------------------------|---|
| (1) Medical Officer of Health. | } Appointment of (1) and (2)
subject to approval of
Minister of Health. |
| (2) Sanitary Inspector, and | |
| (3) Surveyor (Urban only). | |

The Ministry of Transport Act, 1919, Sec. 17 (2) provides that the Minister may defray by agreement with the local authority half the salary and establishment charges of the engineer and

surveyor of that local authority if it is responsible for the maintenance of the roads referred to in the section, subject to the condition that the appointment, retention, and dismissal of such engineer or surveyor, and the amount of such establishment charges shall be subject to the approval of the Ministry.

(4) Clerk.

(5) Treasurer.

(6) Rating Officer.

(7) Such others as the Council considers necessary.

7. RATES—

(1) Urban and Rural District Councils levy and collect their own rates and include therein the precepts of all spending authorities.

The expenditure of a Rural District Council is either—

(a) General, which benefits the inhabitants generally.

(b) Special, which benefits a particular contributory place.

This division is optional under Local Government Act, 1929, Sec. 56.

(2) There is a difference between Urban and Rural Districts, the general expenditure in the former being defrayed out of a fund to which certain properties, such as tithes, or as a railway, or canal, are assessable in proportion to one-fourth only of their net annual value.

(3) The above-mentioned reduction applies only to Special Rates levied in rural districts, and does not apply to rates levied for general expenses in rural districts.

(4) Any District Council may also levy and collect a Private Improvement Rate, which is a charge under Section 157 of the Public Health Act, 1875.

8. LOANS for sanitary works of a permanent character may be raised, repayable within a period not exceeding sixty years.

9. ACCOUNTS are made up yearly to 31st March in accordance with the Audit (Local Authorities, etc.) Act, 1922, and are audited by the District Auditor of the Ministry of Health.

10. RIGHTS OF ELECTORS—

(1) *Urban*—"interested persons" may inspect the accounts seven days prior to and during audit.

(2) *Rural*—electors may at all reasonable times inspect and take copies of and extracts from all books, accounts, and documents under the control of the District Council.

FINAL REPORT OF THE ROYAL COMMISSION ON LOCAL GOVERNMENT, 1929

Part I. Functions of Local Authorities.

(a) Distribution of Certain Functions between Local Authorities.

- (i) By-laws for Good Rule and Government.
- (ii) Appointment of Gas Examiners.
- (b) Other Questions Affecting Powers and Duties of Local Authorities.
 - (i) Assimilation of Powers of Urban and Rural District Councils.
 - (ii) Such Urban Powers as may be deemed expedient to entrust to Rural District Councils should be conferred upon them generally by Statute. (See the Rural District Council (Urban Powers) Order, 1931, and page 37 *ante*.)
 - (iii) Development of the Parochial Committee System.

Part II. Matters Relating to the Constitution of Local Authorities.

- (1) Constitution of Electoral Divisions of Counties.
- (2) Date of Urban District Council Elections.
- (3) Appointment of Chairmen of Urban District Councils.
- (4) Grants to Chairmen of Urban and Rural District Councils.

CHAPTER VIII

THE BOROUGH COUNCIL

1. THE BOROUGH is probably the oldest local government area. The development of craftsmanship gave rise to the growth of Towns, i.e. compact centres of population, engaged mainly in industrial pursuits, though their inhabitants also carried on as by-industries the more primary and indispensable work of cattle-rearing and agriculture. After this it was found that the gathering together of the gilds in the town resulted in a new social development, viz. the City or self-governing municipality—the borough in the modern English sense.

A MUNICIPAL BOROUGH means any place for the time being subject to the Municipal Corporations Act, 1882, and its amendments.

2. ESTABLISHMENT OF A BOROUGH. A Municipal Corporation is constituted by the grant of a Charter of Incorporation. The following procedure is necessary—

(1) A petition to the King is made by certain of the inhabitant householders in a town, who also advise the Minister of Health and the County Council of the petition. There is no statutory standard of population, or rateable or assessable value necessary for a town to possess before applying for a Charter of Incorporation.

(2) The King refers the petition to the Privy Council, who appoint a small committee from their number to report. This Committee instructs an Inspector, who holds a local inquiry and makes a report. Should the inspector report favourably upon the petition a draft scheme is prepared for incorporating the new borough.

(3) The scheme is published in the *London Gazette*, and, if unopposed, within one month an Order in Council is issued, granting the Charter.

(4) Within the same period opposition may be lodged either by any local authority or by one-twentieth of the owners or rate-payers. In this event an Act of Parliament would be necessary before the borough could be created.

A borough is governed by a MUNICIPAL CORPORATION, which enjoys perpetual succession and a common seal. The root idea of a Corporation is that it is a body of individuals acting together for a common purpose, but having a legal existence apart from the individual existence of its members.

3. CONSTITUTION—

A Municipal Corporation means the body corporate constituted by the incorporation of the inhabitants of a borough; it consists of the Mayor, Aldermen and Burgesses.

A Burgess is a person enrolled upon the local government register of electors for the borough. By the Sixth Schedule (No. 2) of the Representation of the People Act, 1918, they are now known as local government electors.

Privileges of local government electors include the right to vote at borough elections and for elective auditors; and in non-county boroughs, at county council elections also.

Duties of local government electors include serving upon juries and holding corporate office.

4. COUNCIL. A Municipal Corporation is capable of acting by a Council, consisting of the Mayor, Aldermen and Councillors.

(1) *Councillors* are elected by ballot for three years from 1st November in the year of election. The electors are the qualified local government electors of the borough.

(2) *Qualifications.* A councillor must be either—

(a) A qualified local government elector; or

(b) A person who is registered and entitled to be registered as a local government elector, and is seised or possessed of real or personal property, or both, in the borough—

(i) where there are four or more wards, valued £1,000 or rated at £30 per annum;

(ii) in other boroughs, valued £500 or rated at £15 per annum; or

(c) Persons of either sex who have resided within the borough during the whole of the twelve months preceding the election. (County and Borough Councils (Qualification) Act, 1914.)

(d) Owners of property as defined on page 25.

(e) The Qualification of Women (County and Borough Councils) Act, 1907, and the Sex Disqualification (Removal) Act, 1919, make women equally qualified with men to serve on municipal borough councils.

(f) The Ministers of Religion (Removal of Disqualifications) Act, 1925, provides that no person shall be disqualified for being elected or being a councillor of a borough by reason only that he is in holy orders or the regular minister of a dissenting congregation.

(3) *Disqualification* as described on page 25.

(4) The number of councillors is fixed by the charter. There are, as a rule, three councillors to each ward, one of them retiring usually from each ward annually. The Borough Councillors (Alteration of Number) Act, 1925, enables the number of

councillors in the case of a municipal borough to be altered by an Order in Council.

(5) *Aldermen* are elected by the councillors from among the councillors or persons qualified to be councillors. They hold office for six years. One-half retire every three years and their successors are elected on the 9th November. The number is one-third the number of councillors. The only additional function of an alderman is to act as returning officer at the election of councillors for the ward to which he has been assigned by the Council.

(6) *The Mayor* is elected on the 9th November by the councillors and non-retiring aldermen from among the council or from persons qualified for election as councillors. Election is for one year. The mayor may receive a salary, and may be re-elected. In certain cities the mayor possesses the title of "Lord Mayor," a distinction conferred by the Crown, but the Home Secretary held in 1927 that this did not entitle the holder to be known as "Right Honourable," a designation to which the Lord Mayors of London and York are alone entitled.

(7) *Meetings* held by a Borough Council include—

- (a) Four Quarterly under the Municipal Corporations Acts.
- (b) Twelve Monthly as an Urban Sanitary Authority.
- (c) Others as summoned by the Mayor, or any five members of the Council.

5. **COMMITTEES.** The work is principally transacted by Committees, which are mainly appointed from among members of the Council. With certain exceptions, the acts of every Committee must be submitted to the Council for their approval. Committees do not possess the power to levy a rate or raise a loan.

6. **DUTIES** may be divided under heads as those of—

(1) A Borough Council, including the making of By-laws for the good rule and government of the borough.

(2) An Urban Sanitary Authority, as described in Chapters I, XII, XV, and XVIII.

(3) Authority under the Adoptive Acts, as described in Chapter XII.

(4) Management of Trading Enterprises as described in Chapter XIV.

(5) Authority to undertake additional functions prescribed by general or local Acts of Parliament, e.g. Shops Acts, 1912 and 1913, the Naval and Military War Pensions, etc., Acts, 1915 to 1921.

7. **OFFICERS** include—

(1) Town Clerk.

(2) Treasurer.

(3) The usual officers required by an urban sanitary authority. (See Chapter VII.)

(4) Such other officers as the Council think necessary.

8. RATES—

By the Rating and Valuation Act, 1925, the General Rate is levied to meet the deficiency in the General Rate Fund, and includes the precepts of all the spending authorities in the borough.

9. **LOANS** for borough purposes must be repaid within a period not exceeding sixty years. (Local Government Act, 1929, Sec. 53.) Other loans as prescribed by the respective enactments. Money may be raised by the issue of Stock under Part V of the Public Health Acts Amendment Act, 1890, under the Local Loans Act, 1875, and under local Acts.

10. **ACCOUNTS.** The Treasurer's accounts are made up half-yearly to such date as the Council, with the approval of the Minister of Health, may decide. The date for the annual accounts is usually, but not invariably, the 31st March.

A full abstract of the accounts must be published yearly, and may be purchased at a reasonable price.

11. **AUDIT.** Accounts are audited, unless there are provisions to the contrary, by the Borough Auditors, i.e.—

(1) Two elective auditors elected by the burgesses (now local government electors) on 1st March from among persons qualified to be, but not being, members of the Council.

(2) The mayor's auditor, being a member of the Council nominated by the mayor.

This system of audit does not apply to the Accounts under the Education Acts and the Public Assistance Accounts, which are audited by the District Auditor of the Ministry of Health. He also audits the Assisted Schemes Accounts under the Housing Acts, and examines the Police, etc., Accounts, in order to check the claims for Grants.

Some boroughs have a professional auditor in addition to, or in lieu of, the borough auditors, while others have an audit by the District Auditor of the Ministry of Health in lieu of the borough auditors.

12. **RIGHTS OF ELECTORS.** A local government elector, or payment of one shilling, may inspect and make a copy or extract from Minutes of the proceedings of the Council. He may make a copy or take an extract from an Order of the Council for the payment of money. Accounts are referred to in paragraphs 10 and 11 above.

13. **THE BOROUGH FUNDS ACTS, 1872 and 1903,** provide that a public meeting of the electors must be held in all cases where the Council is promoting a Bill in Parliament for the purpose of considering the promotion of the Bill. At the meeting a resolution is submitted in favour of the promotion of the whole or part or parts of such Bill.

An exception respecting the meeting of electors is made where a Bill is promoted for the constitution or extension of the boundaries of a County Borough in accordance with the Local Government (County Boroughs and Adjustments) Act, 1926.

14. SPECIAL TYPES OF MUNICIPAL BOROUGHs. There are three main classes, viz.—

- (1) Boroughs possessing judicial functions.
- (2) Boroughs possessing special functions according to population.
- (3) Cities and towns which are counties in themselves.

(1) *Boroughs possessing Judicial functions, viz.—*

- (a) Separate Commission of the Peace.
- (b) Stipendiary Magistrate.
- (c) Separate Court of Quarter Sessions.
- (d) Coroner.
- (e) Court of Civil Jurisdiction.

(2) *Boroughs possessing special functions according to population, viz.—*

- (a) 10,000 inhabitants and over—
 - (i) Authority under the Police, Diseases of Animals, Weights and Measures, and Food and Drugs Acts.
 - (ii) Elementary Education Authority provided they were such at the passing of the Education (Local Authorities) Act, 1931.
 - (iii) Appoint Allotments Committee under the Act, 1922.
- (b) 20,000 inhabitants and over—
 - (i) Local Pension Authority under Old Age Pensions Acts.
 - (ii) Power to apply for a separate Police Force.
- (c) 25,000 inhabitants and over—
 - Power to petition Home Secretary to appoint a Stipendiary Magistrate.
- (d) 50,000 inhabitants and over—
 - (i) National Health Insurance Committee.
 - (ii) Representatives on Local Committee under the Naval and Military War Pensions, etc., Acts, 1915 to 1921.
 - (iii) Representatives on Territorial Associations under the Territorial and Reserve Forces Act, 1907.
- (e) 75,000 inhabitants and over—
 - (i) Power to promote a private bill constituting the borough a County Borough.
 - (ii) If the application is granted, the borough, as a County Borough, becomes almost entirely independent of the County Council.
 - (iii) Local Education Authority for elementary and higher education.

(3) *Cities and Towns*, which, by ancient privilege, are Counties in themselves and include those possessing separate—

(a) Commission of the Peace.

(b) Court of Quarter Sessions.

(c) High Sheriff, appointed on 9th November, who acts independently of the High Sheriff for the County.

(d) The title of a city which is borne by certain boroughs in a purely titular distinction. It has no connection with the status of the borough in respect of local government, and confers no powers or privileges.

15. FREEMEN are persons entitled to be admitted in accordance with the Municipal Corporations Acts in respect of birth, servitude, or marriage, and who are admitted by the mayor and enrolled by the town clerk on the Freeman's Roll.

16. HONORARY FREEMEN are persons of distinction who have been admitted under the Act of 1885 to the Freedom of the Borough. They possess no qualifications as local government electors.

17. THE FIRST REPORT OF THE ROYAL COMMISSION ON LOCAL GOVERNMENT was published in September, 1925, and recommended that all proposals for the constitution of County Boroughs should be made by private Bill; and that the population of a borough which should in future entitle the town council to make a proposal by private Bill for the constitution of the borough into a county borough should be 75,000. Effect was given to this in the Local Government (County Boroughs and Adjustments) Act, 1926.

18. FINAL REPORT OF THE ROYAL COMMISSION ON LOCAL GOVERNMENT, 1929.

Part I. Functions of Local Authorities.

The requirements of the Borough Funds Acts in regard to towns meetings and polls of electors should be repealed.

Part II. Matters Relating to the Constitution of Local Authorities.

(1) Creation of Boroughs.

(2) Void By-elections of Town and County Councillors.

be granted for the use of places on Sundays for certain entertainments and for debates.

5. **STIPENDIARY MAGISTRATE** may be appointed by the Crown on the recommendation of the Home Secretary upon the petition of the council of a borough or urban district having a population of not less than 25,000. He must be a barrister of not less than seven years' standing. His salary is paid out of the rates. He has the power of two Justices of the Peace (i.e. Court of Petty Sessions).

6. **THE MAGISTRATES' CLERK** is appointed by the Justices, subject to confirmation by the Home Secretary. His duties are to assist the Justices upon matters of law and practice, and to keep all the books and records required by the Summary Jurisdiction and Indictable Offences Acts.

CHAPTER X

THE COUNTY COUNCIL

1. **THE COUNTY** was, until 1888, governed by the county magistrates, meeting in Quarter Sessions. The purpose of the Local Government Act, 1888, was to transfer from the Justices of the Peace in Quarter Sessions certain administrative powers which they had acquired over a period of several centuries through the administrative discretion of statutes dating from the Tudor period.

2. **THE ADMINISTRATIVE COUNTY** means the area for which a County Council is elected in pursuance of the Local Government Act, 1888. This area does not include a County Borough, except where expressly mentioned. The area of the Administrative County is further sub-divided into non-county (i.e. municipal) boroughs, urban districts, rural districts, and parishes.

3. **THE COUNTY COUNCIL** is the local authority. It is a corporate body with perpetual succession and a common seal, and consists of the Chairman, Aldermen and Councillors.

(1) *County Councillors* are elected by ballot every three years. The electors are the local government electors for all parts of the county except county boroughs.

(a) The qualifications and disqualifications for voting at elections of, and for service as a County Councillor, are similar to those in the case of a borough. In addition peers owning property in the county are qualified.

(b) One Councillor is elected for each Electoral Division, and no elector can vote at a general election for the council in more than one Division of a County, although qualified.

(c) The number of Councillors is regulated by the Minister of Health.

(d) Election is on the 8th March or such other day between the 1st and 8th March as the County Council may fix.

(2) *County Aldermen* are elected by the Councillors from amongst the Councillors or persons qualified to be Councillors and hold office for six years. One-half their number retire every three years and their successors are elected at the annual meeting. Their number is one-third the number of Councillors.

(3) *The Chairman* is elected in a manner similar to that of the Mayor of a Borough. (See Chapter VIII.) He is *ex officio* a Justice of the Peace for the County during his term of office.

(4) *Meetings.* As a rule the County Council holds only its statutory meetings, viz., an annual meeting and three other meetings. The first meeting after the triennial election takes place on the 15th April. (County Councils (Elections) Act, 1891.)

4. *COMMITTEES.* The work is principally transacted by Committees, who usually report certain matters to the Council. In some cases Committees have executive powers. Committees are of two kinds: (1) Ordinary, and (2) Joint.

(1) *Ordinary Committees* are of two kinds: (a) Statutory, and (b) Standing.

(a) *Statutory Committees* include—

- (i) Finance, under Local Government Act, 1888.
- (ii) Education, under Education Act, 1921.
- (iii) Small Holdings, under Small Holdings and Allotments Act, 1908 (now a Sub-Committee of Agriculture Committee).
- (iv) Local Pensions, under the Old Age Pensions Acts, 1908 to 1920.
- (v) Public Health and Housing, under the Housing Act, 1925.
- (vi) Shops Act, under the Shops Act, 1912 and 1913.
- (vii) Care of the Mentally Defective, under the Mental Deficiency Acts, 1913 to 1927, and Mental Treatment Act, 1930.
- (viii) Local War Pensions, under the Naval and Military War Pensions, etc., Acts, 1915 to 1921.
- (ix) Maternity and Child Welfare, under the Act of 1918.
- (x) Agriculture, under Part III of the Ministry of Agriculture and Fisheries Act, 1919, which provides also for a Diseases of Animals Sub-Committee.
- (xi) Valuation Committee under the Rating and Valuation Act, 1925.
- (xii) Public Assistance, under the Local Government Act, 1929.

(b) *Standing Committees* depend upon the functions of the Council, but usually include—

- (i) County Roads and Bridges.
- (ii) Parliamentary.
- (iii) Local Government.
- (iv) Weights and Measures.
- (v) General Purposes or Executive.

(2) *Joint Committees* are those whose functions are not solely the concern of the council of the county, but also of other local authorities. These authorities are represented on the Joint Committees for joint and concerted action. They comprise those appointed to administer certain Acts, and usually include—

(a) Standing Joint Committee for County Police and other purposes. (See Chapter XV.)

(b) Mental Hospitals Visiting Committee. (See Chapter XXIII.)

(c) Inebriates Act Committee.

(d) Sea and River Conservancy.

(e) River Pollution Prevention.

(f) Joint Vagrancy Committees.

(g) Town and Country Planning Joint Committees.

The County Council appoints representatives upon—

(i) the County Insurance Committee under the National Health Insurance Acts.

(ii) Any Catchment Board set up under the Land Drainage Act, 1930.

5. POWERS AND DUTIES are of two kinds, viz.—

(1) *The direct functions*, indicated by the names of the Committees given above, may be said to include—

(a) Sanitary, Housing, and Town Planning.

(b) Highways, Streets, and Bridges.

(c) Police.

(d) Education: Elementary and Higher.

(e) Registration and Licensing.

(f) Economic and Social, including Public Assistance, Old Age Pensions, National Health Insurance, etc.

(g) Powers under the Borough Funds Acts as detailed in Chapter VII. County Councils are regulated in this connection by the Local Government Act, 1888, and the County Councils (Bills in Parliament) Act, 1903.

(h) Miscellaneous, including management or assistance of Light Railways; protection of wild birds, etc.

(2) *Control* by the County Council extends to all other local authorities in inverse ratio to their powers. That is to say, the control over the Parish Council and Parish Meeting is more extensive than that exercised over the non-county Borough Council, and the control over the Rural District Council more complete than that over the Urban District Council.

6. OFFICERS include those—

(1) Appointed by the Standing Joint Committee—
Chief Constable.

(2) Appointed by County Council—

(a) Clerk, since the Local Government (Clerks) Act, 1931.

(b) Treasurer.

(c) Surveyor.

(d) Medical Officer of Health.

(e) Public Analyst.

(f) Coroner.

- (g) Director or Secretary for Education.
- (h) Inspectors to comply with requirements of the sanitary and other enactments ; and
- (i) Such other officers as the Council think necessary.
- (3) Judicial Officers for judicial and national functions are *not* appointed by the County Council—
 - (a) Lord Lieutenant nominated for life by the Crown.
 - (b) Sheriff selected annually by the King in Council.
 - (c) Justice of the Peace. (See Chapter IX.)

7. THE RATING AND VALUATION ACT, 1925, provided for the expenses of the county to be met out of the General Rate by precept on the Rating Authorities.

8. FINANCE COMMITTEE must be appointed in accordance with Local Government Act, 1888, Sec. 80. (a) Orders for payment must be in pursuance of a resolution of the council passed on recommendation of the Committee (b) Any cost, debt, or liability exceeding £50 shall not be incurred except upon a resolution of the council passed on an estimate submitted by the Committee.

9. LOANS for county purposes only, e.g. a Shire Hall, are limited to a period not exceeding sixty years, in accordance with the Local Government Act, 1929, Sec. 53. Other loans are limited by the respective enactments, e.g. Small Holdings and Allotment Acts.

10. ACCOUNTS are made up yearly to 31st March, and are subject to audit by the District Auditor of the Ministry of Health.

11. RIGHTS OF ELECTORS are as described in the Borough, Chapter VIII, paragraph 12.

12. LAND REGISTRATION ACT, 1925, Section 120, provides that the King may, by Order in Council, declare that on and after a certain day specified in the Order, registration of title to land is to be compulsory on sale. The Act is also adoptive.

13. FINAL REPORT OF THE ROYAL COMMISSION ON LOCAL GOVERNMENT, 1929.

Part I. Functions of Local Authorities.

- (1) Administration of the Weights and Measures Act.
- (2) Licensing of Theatres, Cinematograph Exhibitions, and Places for Music and Dancing.

(3) Reports to County Councils under the Allotments Acts.

(4) Relations between County Councils and Standing Joint Committees in regard to County Buildings and Finance.

Part II. Matters relating to the Constitution of Local Authorities.

Agricultural Committees should no longer be compulsory.

Part III. Local Government Officers, Offices of Clerk of the Peace and Clerk of the County Council.

Legislation should proceed on the lines of the agreed Bill which was subsequently introduced into Parliament. (See Local Government (Clerks) Act, 1931, *ante*.)

SECTION III

Public Health, Public Undertakings, and Public Protection

CHAPTER XI

PUBLIC HEALTH

1. **EARLY SANITARY LEGISLATION** was in the form of local legislation introduced by progressive towns. The Industrial Revolution emphasized the necessity for collective action, with the result that, under the influence of the followers of Jeremy Bentham, certain Model Clauses Acts were passed between 1845 and 1847. The first general Public Health Act was passed in 1848. Various Acts were passed from that time until 1875, principally as the result of the experimental private legislation of large towns.

2. **THE PUBLIC HEALTH ACT, 1875**, is the principal sanitary Act. It consists of 11 Parts, 343 Sections and 5 Schedules. The parts are as follows, and are self-explanatory, viz.—

(1) Preliminary.

(2) Authorities for execution of Act.

(3) Sanitary Provisions, including regulations as to sewers and drains; powers for disposing of sewage; privies, waterclosets, scavenging and cleansing; offensive ditches and collections of matter; water supply; regulation of cellar dwellings and lodging houses; nuisances; offensive trades; unsound food; infectious diseases and hospitals; prevention of epidemic diseases; mortuaries, etc.

(4) Local Government Provisions relating to highways and streets; public pleasure grounds, etc.; markets and slaughter-houses; and police regulations. Incorporating Markets and Fairs Act, 1847.

(5) General Provisions regulating contracts; purchase of land; arbitration; by-laws; officers; conduct of business of local authorities.

(6) Rating and Borrowing Powers, etc. (The Rating provisions have been superseded by the Rating and Valuation Act, 1925); Private Improvement Rate. Loans are repayable within a period not exceeding sixty years. Audit of Accounts of Local Authorities.

(7) Legal Proceedings, including Prosecution of Offences and Recovery of Penalties, etc.

(8) Alterations of Areas and Union of Districts. Port Sanitary Authority.

(9) Local Government Board (now Ministry of Health) including Inquiries by Ministry; Provisional Orders by Ministry; Power of Ministry to enforce Performance of Duty by Defaulting Local Authority; Power of Ministry in relation to Local Acts, etc.

(10) Miscellaneous and Temporary Provisions.

(11) Saving Clauses and Repeal of Acts.

The Act does not apply to Scotland, Ireland, or the Metropolis, except so far as subsequent Acts of these areas have incorporated provisions of the Act.

3. LOCAL SANITARY AUTHORITIES.

These authorities are outside the Metropolis—

(1) County Councils.

(2) County Borough Councils.

(3) Non-county Borough Councils.

(4) Urban District and Rural District Councils.

Parish Councils and Parish Meetings may be designated by the Rural District Council as their agents for sanitary purposes.

4. HEALTH COMMITTEES.

(a) Urban District, Rural District and Parish Councils may authorize any committee under the Public Health Acts to exercise all the powers of the Council (except raising a loan, making a rate, or entering into a contract), including the institution of legal proceedings.

(b) Rural District Councils may form parochial committees, wholly or partly from their own number and wholly or partly from the Parish Council of the parish concerned.

(c) County Councils must appoint a Public Health and Housing Committee, and may delegate its powers with the limitation of (a) above.

(d) County Councils and boroughs with a population of 10,000 must appoint a committee to administer the Diseases of Animals Acts.

5. DRAINS AND SEWERS.

(i) Part III of the Act of 1875 contains the sanitary provisions and deals almost exclusively with sewerage, drainage, scavenging, cleansing, occupation of cellar buildings, common lodging-houses, nuisances, offensive trades, unsound meat, infectious diseases, hospitals and mortuaries.

(ii) *A Drain* is defined as a pipe or channel used merely to communicate between a single building or a block of buildings and a general receptacle for sewage matter.

(iii) *A Sewer* includes all channels for the carrying off of refuse, except drains, and except such pipes as are under the control of

a special road authority. A drain which operates between two or more houses under separate ownership is a sewer.

6. WATER SUPPLY.

(1) Regulated by Section 32 of the Act of 1875, whereby the local authority may give notice to the owner of any house within its district requiring him to obtain such supply of water and to do all such works as may be necessary for that purpose.

(2) The Public Health (Water) Act, 1878, stipulates that it shall be the duty of every *rural* sanitary authority to see that every occupied dwelling-house within its district has, within a reasonable distance, an available supply of wholesome water sufficient for the inmates of the house, both for consumption and for domestic purposes.

(3) The Reservoir (Safety Provisions) Act, 1930, requires the employment of qualified civil engineers to design and supervise the construction of large reservoirs, and to make periodical inspections.

7. INSPECTION OF DWELLING HOUSES.

(a) Any citizen can ask the Sanitary Authority, as part of its duty, to inspect and report upon the sanitary condition of his house. For the purpose of the Rent and Mortgage Restriction Act, 1920, the local authority can make a charge of one shilling for a certificate.

(b) The Public Health (Fruit Pickers' Lodgings) Act, 1882, enables any local authority to make by-laws for securing the decent accommodation of persons engaged in the picking of fruit and vegetables.

8. FOOD AND HEALTH.

(i) The Food and Drugs (Adulteration) Act, 1928, consolidates the Acts from 1875 to 1927.

(ii) The Milk and Dairies (Consolidation) Act, 1915, came into operation on 1st September, 1925, as provided by the Act of 1922. The principal provisions relate to registration and inspection, and are of a very far-reaching character. The Milk and Dairies Order, 1926, provides for the registration of all persons carrying on the trade of cowkeeper or dairyman. Provision is also made for the registration of all dairies. Under the Act a "dairy" includes, *inter alia*, all farms from which milk is supplied on or for sale, whether or not the extent of such sale amounts to the carrying on of a trade.

9. INFECTIOUS DISEASES LEGISLATION includes—

The Infectious Diseases (Notification) Act, 1889.

The Infectious Diseases (Prevention) Act, 1890.

The Isolation Hospitals Act, 1893.

The Infectious Diseases (Notification) Extension Act, 1899.

The Isolation Hospitals Acts, 1893 and 1901, which provide for Joint Hospital Boards.

The Public Health (Prevention and Treatment of Disease) Act, 1913.

The Local Government Act, 1929, Sec. 63.

(1) The diseases to which the Acts at present apply include—smallpox, cholera, diphtheria, membranous croup, erysipelas, scarlatina or scarlet fever, typhus, typhoid, enteric, relapsing, continued or puerperal fever.

(2) The Minister of Health may issue an order extending the Act to other diseases. Any local authority may resolve to include other diseases subject to the approval of the Minister. For example, under these provisions the Act has been made to apply to plague, pulmonary tuberculosis, ophthalmia neonatorum, and at the request of the Army Council to measles.

10. HOSPITALS.

(1) Public Health Act, 1875, Sec. 131, empowers sanitary authorities to establish and maintain hospitals.

(2) The Isolation Hospitals Acts, 1895 and 1901, provide that the council of every county may provide or cause to be provided in any district within their county a hospital for the reception of patients suffering from infectious diseases.

(3) The Local Government Act, 1929, Sec. 63, provides that a survey of the hospital accommodation for the treatment of infectious diseases provided for districts wholly or partly in the county shall be made by the County Council. It empowers a County Council to construct hospitals after consultation with authorities of voluntary hospitals.

11. TUBERCULOSIS.

The Public Health (Prevention and Treatment of Disease) Act, 1913, gave power to assist persons suffering from tuberculosis.

The Public Health (Tuberculosis) Act, 1921. County councils and county borough councils are now responsible for arrangements for the treatment of persons suffering from tuberculosis (including persons insured under the National Health Insurance Acts). Such treatment must be at dispensaries, sanatoria, and other institutions in accordance with a scheme approved by the Minister of Health. The powers of the councils may be exercised by committees, sub-committees, or joint committees. Such committees may include co-opted members of the insurance committees and other persons of experience, provided not less than two-thirds of such committees are members of the council.

12. MATERNITY AND CHILD WELFARE.

(a) The Midwives Act, 1902, provided that after 1905, no women not certified under the Act should use the name of midwife, and that, after April, 1910, no woman not certified under

the Act should habitually and for gain attend women in child-birth, other than under the directions of a qualified medical practitioner. Central Midwives Board was established.

(b) The Midwives Act, 1918, provides that the local supervising authority may aid the training of midwives, whether within or without their area, and may make grants for the purpose.

(c) The Maternity and Child Welfare Act, 1918, provides that the local authority must appoint a Maternity and Child Welfare Committee. Subject to two-thirds of the members being members of the local authority, persons specially qualified may be appointed. It must include *at least* two women.

(d) The Nurses Registration Act, 1919, establishes a General Nursing Council. This Council shall compile a Register of Nurses consisting of a general register and supplementary register for male, mental and sick children's nurses. The Council must draw up rules with regard to the Register including the conditions of admission. These rules must first be approved by the Ministry of Health. Unlawful assumption of the title of registered nurse will be subject to penalties.

(e) The Midwives and Maternity Homes Act, 1926, makes it an offence to carry on an unregistered home as from the 1st January, 1927. Authority is given to local authorities to make by-laws in respect of records of patients received into, and children born in, a maternity home.

(f) The Local Government Act, 1929, Sec. 101, provides that it shall be the duty of the council of every county (other than the County of London) and of every county borough six months at least before the beginning of each fixed grant period to prepare and submit to the Minister of Health for his approval, a scheme for securing the payment by the council of annual contributions towards the expenses of voluntary associations providing maternity and child welfare services in and for the benefit of the county or county borough.

(g) The Final Report of the Departmental Committee on Maternal Mortality and Morbidity was issued in August, 1932. The Committee confirm the opinion expressed in their Interim Report that at least half of the deaths which have come under review would have been prevented had due forethought been exercised by the expectant mother and her attendant, a reasonable degree of skill been brought to bear upon the management of the case, and adequate facilities for treatment been provided and utilized.

13. INFANT MORTALITY.

(i) Notification of Births Act, 1907, provides for the notification of births to district councils, by the adoption of the Act.

(ii) Local Government Act, 1929, Sec. 61, provides that the

Minister of Health may declare that the above Act shall have effect in any district in a county.

14. PORT SANITARY AUTHORITY.

Appointed under the Public Health Act, 1875, by Provisional Order of the Minister of Health. The Order constitutes one or more sanitary authorities the Port Sanitary Authority for the waters of the Port as defined in the Order. The sanitary duties of the Authority may be performed by the authority or delegated to one of the constituent authorities. The expenses are recovered by precepts issued on the respective local authorities.

15. CEMETERIES.

The Public Health (Interments) Act, 1879, is an Adoptive Act and enables a local authority to acquire, construct and maintain a cemetery either wholly or partly within or without its district.

16. MISCELLANEOUS.

The Public Health Act, 1925, enables local authorities to make by-laws for the prevention of danger or obstruction to persons from apparatus in connection with wireless installation. Part V is largely concerned with the culverting or covering in of water-courses and streams. Section 62 enables local authorities to apply to a police court for an order for the removal to a hospital or institution of any person who is suffering from pulmonary tuberculosis and is in an infectious state. Among the miscellaneous provisions is one giving power to County Councils and other local authorities to assist in preventing blindness. Another enables local authorities to expend up to a penny and one-third rate on donations or subscriptions to voluntary hospitals. Any local authority may arrange for the publication within their area of information relating to health and disease.

17. OTHER PUBLIC HEALTH ACTS.

Other Public Health Acts have been passed supplementing and extending the powers of local sanitary authorities. The following are typical—

(1) The Housing Acts, 1925 and 1930, and the Small Dwellings Acquisition Acts, 1899–1925, are dealt with in Chapter XII.

(2) The Private Street Works Act, 1892, provided an alternative method to the Public Health Act, 1875, of making up private streets, and is an adoptive Act. It is dealt with in Chapter XVI.

(3) The Cleansing of Persons Act, 1897, permits local authorities to provide for the cleansing and disinfection of persons infested with vermin.

(4) The Factory and Workshop Act, 1901, contains powers respecting the sanitary conditions of factories, workshops, and workplaces; the prevention of overcrowding; and the regulation of dangerous and unhealthy industries.

(5) The Public Health Acts Amendment Act, 1907, is adoptive by either an urban or a rural sanitary authority, and is construed as one with the Public Health Acts. The Act is divided into ten parts, viz.—

Part I, General; Part II, Streets and Buildings; Part III, Sanitary Provisions; Part IV, Infectious Diseases; Part V, Common Lodging-houses; Part VI, Recreation Grounds; Part VII, Police; Part VIII, Fire Brigade; Part IX, Sky Signs; Part X, Miscellaneous.

(6) The Canal Boats Acts, 1877 and 1884, provide for the registration and regulation of canal boats used as dwellings.

(7) The Blind Persons Act, 1920, makes the local authorities, viz. County Councils and County Borough Councils, responsible for the general care and training of the blind.

(8) The Lead Paint (Protection against Poisoning) Act, 1926, makes better provision for the protection of persons employed in, or in connection with, the painting of buildings (including fixtures).

(9) The Public Health (Smoke Abatement) Act, 1926, amends previous legislation in respect of smoke nuisance, and raises considerably the penalties for such nuisances as are punishable under these Acts. It also empowers the Minister of Health, after a public inquiry and after consultation with the local authorities and other interests concerned, to make orders extending provisions of earlier legislation and empowering local authorities to make by-laws with regard to smoke nuisance.

(10) The Rag Flock Act (1911) Amendment Act, 1928, amends the Rag Flock Act, 1911, by declaring that the expression "flock manufactured from rags" means flock which has been produced wholly or partly by tearing up woven or knitted or felted materials, whether old or new, but does not include flock obtained wholly in the processes of scouring and finishing of newly woven or newly knitted or newly felted fabrics.

18. HIGHWAYS AND STREETS.

Part IV of the Public Health Act, 1875, contains—

(a) The local government provisions relating to highways and streets (which are considered in Chapter XVI);

(b) Public pleasure grounds, etc.;

(c) Markets and slaughter houses, incorporating Markets and Fairs Act, 1847. Rural district councils may provide markets under the Public Health Act, 1908.

19. BY-LAWS.

Part V of the Public Health Act, 1875, contains general provisions regulating contracts; purchase of land; arbitration; by-laws; officers; conduct of business of local authorities.

20. OFFICERS.

(a) Every urban and rural sanitary authority must appoint a medical officer of health and a sanitary inspector.

(b) County Councils must appoint a whole-time medical officer.

(c) The Council of all counties and of all boroughs with a population of 10,000 must appoint a public analyst.

(d) The Public Health (Officers) Act, 1921. A full time Medical Officer and Sanitary Inspector (formerly Inspector of Nuisances) is removable by the local authority with the consent of the Minister of Health, but not otherwise.

(e) The Local Government Act, 1929, Sec. 58, provides that the County Council shall formulate arrangements for securing that subsequent appointments of Medical Officers of Health shall be full time appointments.

21. RATING AND BORROWING.

(i) Part VI of the Public Health Act, 1875, provided the rating and borrowing powers, etc., including the Private Improvement Rate. The Rating provisions (except Private Improvement Rates) have been entirely superseded by the Rating and Valuation Act, 1925, and its amendments.

(ii) **RATES.** There is no statutory limitation to the amount of rates for public health purposes.

(iii) **LOANS.** The limits of borrowing by local authorities based on the rateable or assessable value of their areas, were rendered obsolete as a result of de-rating and were abolished. Sewage works and plant may be mortgaged up to three-fourths purchase price without sanction.

**FINAL REPORT OF THE ROYAL COMMISSION ON
LOCAL GOVERNMENT, 1929**

Part I. Functions of Local Authorities.

(i) Administration of Food and Drugs (Adulteration) Act, 1928, and the Appointment of Public Analysts should be assigned to County and County Borough Councils.

(ii) Councils of County Districts should retain the right to obtain Samples and take Proceedings.

(iii) A County Council should be empowered to contribute towards the cost incurred by the Council of a County District.

(iv) Administration of the Milk and Dairies Acts should continue as at present.

CONSOLIDATION OF HEALTH LAWS.

The Minister of Health, in pursuance of the policy of consolidating the various Statutes relating to the work of the Ministry, in December, 1930, appointed a Committee, under the chairmanship of Viscount Chelmsford, with the following terms of reference :

“ With a view to consolidation of the enactments applying to England and Wales (exclusive of London) and dealing with—

“ (a) Local authorities and local government; and

“ (b) Matters relating to the public health,

to consider under what heads these enactments should be grouped in consolidating legislation, and what amendments of the existing law are desirable for facilitating consolidation and securing simplicity, uniformity, and conciseness.”

CHAPTER XII

HOUSING

1. THE problem has arisen owing mainly to the following causes—

(1) Past negligence on the part of the legislature.

(2) Increased cost of building; higher rates; attractiveness of alternative investments; more stringent building regulations, which have checked the supply; cessation of building operations during the War of 1914–19; discouragement of private enterprise consequent on the difficulty of commanding an economic rent.

While these causes were responsible for placing a check on the supply, public interest in the problem was awakened by—

(a) The introduction of legislation on national lines in 1851.

(b) The growth of sanitary knowledge, with a recognition of the connection between bad housing and ill-health.

(c) The creation of Housing Trusts consequent upon the greater philanthropic interest in the welfare of the working classes. A demand by the worker for a higher standard of life.

2. LEGISLATION.

The Housing Acts now mean the Housing Acts, 1925 and 1930, together with the temporary provisions of the Housing (Financial Provisions) Act, 1924, so far as they amend these Acts.

The Housing Act, 1925, now known as the Principal Act, and the Act of 1930 are construed as one and cited together as the Housing Acts, 1925 and 1930. (Housing Act, 1930, Sec. 65 (1).)

The Five Parts of the Housing Act, 1925—

Part I. Provision for securing the repair, maintenance, and sanitary conditions of houses. (This has been modified by the Housing Act, 1930, Part II.)

Part II. Improvement and reconstruction schemes. (This has practically been repealed by the Housing Act, 1930, Part I, and is dealt with later.)

Part III. Provision of houses for the working classes.

Part IV. Financial Provisions. (These have been modified by the Housing Act, 1930.)

Part V. General.

In reality there are three main groups of provisions, viz.—

(1) The repair of individual houses.

(2) The clearance of slum areas.

(3) The provision of new houses.

The first group may be sub-divided into four, viz.—

(i) Repairs to individual houses.

(ii) Closing Orders.

(iii) Demolition Orders.

(iv) Appeals.

3. THE HOUSING ACT, 1930.

The principal objects of the Act are to simplify the procedure and facilitate the task of clearing away existing slums (clearance areas), and to prevent the creation of new slums by stopping the deterioration of other areas (improvement areas).

The Five Parts of the Housing Act, 1930, are as follows—

Part I. Provisions with respect to the clearance or improvement of unhealthy areas.

Part II. Provisions with respect to the repair or demolition of insanitary houses.

Part III. Provisions with respect to the provision of housing accommodation and Government assistance towards the cost of rehousing operations.

Part IV. Provision of houses in rural districts.

Part V. General and miscellaneous.

There are six Schedules to the Act.

4. DEFINITIONS.

(a) *Local Authorities.*

(i) As respects the City of London: the Common Council.

(ii) As respects any other part of the Administrative County of London: the Council of the Metropolitan Borough and the County Council.

(iii) Elsewhere: The Council of the County Borough or County District.

(b) *Housing Committee.* Local authorities must appoint a Housing Committee consisting, as to a majority, of members of the Council.

(c) *Owner.* The expression "owner" in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement, the unexpired term whereof exceeds three years. (Act, 1930, Sec. 62 (1).)

(d) *Landlord* means any person who lets for habitation to a tenant any house under any contract referred to in this Section, and includes his successors in title. (Act, 1925, Sec. 1 (3).)

(e) *The Housing Acts*—as defined above.

(f) *The Confirming Authority* is the Ministry of Health.

PROVISION WITH RESPECT TO THE REPAIR OR DEMOLITION OF INSANITARY HOUSES

1. LEGISLATION.

Housing Act, 1925: Part I. Housing Act, 1930: Part II.

The Acts recognize two classes of unsatisfactory houses—

(i) Those which are “*not* in a state so dangerous or injurious to health as to be unfit for human habitation.”

(ii) Those which are “in a state so dangerous or injurious to health as to be unfit for human habitation.”

2. LOCAL AUTHORITIES for the purpose of this Part—

(a) As respects the City of London: the Common Council.

(b) As respects any other part of the Administrative County of London: the Metropolitan Borough Council.

(c) Elsewhere: the Borough, or Urban District, or Rural District Council. (Housing Act, 1930, Sec. 24.)

3. PROMOTION OF ACTION by a local authority upon consideration of—

(a) An official representation; or

(b) A report from any of their officers; or

(c) Other information in their possession.

(Housing Act, 1930, Sec. 17.)

Official representation means—

(1) In the case of any local authority—

(a) A representation made to that authority by the medical officer thereof; and includes also

(b) In the case of the Council of a County District, not being an Urban District which is a Borough, or which contains a population of more than 10,000, a representation by the Medical Officer of Health of the County to the County Council; and

(c) In the case of the Council of a Metropolitan Borough, a representation by the Medical Officer of Health of the County of London to the London County Council.

(2) The Medical Officer of Health of a local authority shall make an official representation whenever he is of opinion—

(i) That any dwelling-house in their district is unfit for human habitation; or

(ii) That any area in their district is an area which should be dealt with either as a clearance area or as an improvement area; and

(3) Complaint to the Medical Officer of Health in writing by—

(i) Any Justice of the Peace acting for the district; or

(ii) Any four or more local government electors; or

(iii) In the case of a rural district, the Parish Council of any parish within the district;

(a) That any dwelling-house is unfit for human habitation; or

(b) That any area should be dealt with either as a clearance area or as an improvement area.

(4) Duty of Medical Officer forthwith—

(i) To inspect that house or that area; and

(ii) To make a report to the local authority stating the facts of the case and whether in his opinion the house is unfit for human habitation, or whether the area should be dealt with as a clearance area or as an improvement area; but

(5) The absence of any such complaint shall not excuse him from inspecting any dwelling house or area and making a representation thereon to the local authority.

(6) Local authority must take into consideration as soon as may be any official representation that has been made to them.

4. OBLIGATIONS AS TO REPAIR OF HOUSES.

(a) Conditions to be implied on letting houses—

(i) County of London, £40.

(ii) Elsewhere, £26.

That the house will be kept by the landlord during the tenancy in all respects reasonably fit for human habitation. (Act, 1925, Sec. 1.)

(b) The expression "sanitary defects" includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences and inadequate paving or drainage of courts, yard or passages. (Act, 1930, Sec. 62 (1).)

(c) The expressions "house" or "dwelling-house" include, unless the context otherwise requires, any part of a building which is occupied or intended to be occupied as a separate building. (Act, 1930, Sec. 62 (3).)

(d) Information must be given to tenants of houses for the working classes as to the address of—

(i) The agent of the property; and

(ii) The Medical Officer of Health.

5. POWER OF LOCAL AUTHORITIES TO MAKE BY-LAWS.

(a) Under the Public Health Acts respecting houses divided into separate tenements.

(b) Under the Housing Act, 1925, Sec. 6, with respect to houses intended to be used for occupation by the working classes and let in lodgings or occupied by members of more than one family.

(c) To execute works where the owner has failed to comply with the by-laws.

6. POWER OF LOCAL AUTHORITY AS TO NUISANCES.

(a) As an alternative to the use of their powers under the Housing Acts, many local authorities prefer to proceed under the Public Health Act, 1875, Secs. 41 and 46, as to nuisances.

(b) Housing Act, 1925, Sec. 8, requires local authority to—

(i) Make periodical inspections of their district;

(ii) Keep such records as the Minister may prescribe;

(iii) Proceed as described below.

(c) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of dis-repair or sanitary defects the house falls short of the provisions of any by-law in operation in the district, or of the general standard of housing accommodation for the working classes in the district. (Act, 1930, Sect. 62 (3).)

(d) *The Housing Consolidated Regulations*, require regular and systematic inspection of dwelling-houses with a view to the remedying of defects "which may tend to render the house dangerous or injurious to the health of an inhabitant."

(e) National Health Insurance Acts, as to excessive sickness.

(f) Rent and Mortgage Interest (Restrictions) Acts.

7. EXECUTION OF WORKS TO COMPLY WITH BY-LAWS, and to recover expenses by local authorities, to apply with such modifications as may be necessary. (Act, 1925, Sec. 7, and Act, 1930, Fifth Schedule.)

8. CLOSING ORDER IN RESPECT OF UNDERGROUND ROOMS in accordance with the Act of 1925, Sec. 18, and Act, 1930, Fifth Schedule.

9. POWER OF LOCAL AUTHORITY TO REQUIRE REPAIRS OF INSANITARY HOUSE where they are satisfied that any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes, is in any respect unfit for human habitation. (Act, 1930, Sec. 17 (1).)

10. ENFORCEMENT OF NOTICE REQUIRING EXECUTION OF REPAIRS.

(1) If a notice under the last preceding Section is not complied with the local authority may give notice of their intention so to do.

(2) Any expenses incurred by a local authority for the recovery of any such expenses may be recovered summarily as a civil debt. (Act, 1930, Sec. 18.)

11. POWER OF LOCAL AUTHORITY TO ORDER DEMOLITION OF INSANITARY HOUSE.

(1) Under conditions similar to paragraph 8 *ante*, but where the dwelling-house is *not* capable of being rendered so fit.

(2) Local authority may postpone for six months if they accept an *undertaking* that the owner will within a specified time—

(a) Carry out such works as will render the house fit for human habitation; or

(b) That it shall not be used for human habitation until the authority cancel the undertaking. (Act, 1930, Sec. 19 (2).)

(3) If the owner fails therein the local authority shall forthwith make a

Demolition Order, requiring that the house shall be vacated.

Power is given to the local authority to deal with part of a building. (Act, 1930, Sec. 20.)

12. PROCEDURE WHERE DEMOLITION ORDER OR CLOSING ORDER MADE OR UNDERTAKING GIVEN AS TO USE OF HOUSE.

(1) Where a *Demolition Order* has become operative: the owner or owners shall demolish that house within the time limited in that behalf by the Order.

(2) Any person who, knowing that a Closing Order has become operative or that an *Undertaking* has been given, permits the premises affected to be so used shall be liable on summary conviction to a fine not exceeding £20.

Appeals lie to the County Court within the jurisdiction of which the premises to which the notice, etc., relates are situate.

There is no compulsion to re-house.

PROVISION WITH RESPECT TO THE CLEARANCE OR IMPROVEMENT OF UNHEALTHY AREAS

1. LEGISLATION.

Housing Act, 1925 : Part II is replaced by the

Housing Act, 1930 : Part I, which deals with

I. Clearance Areas; and

II. Improvement Areas.

2. LOCAL AUTHORITIES.

(1) Local authority means the Council of a County Borough or County District. (Act, 1930, Sec. 15.)

(2) Application to London—

(a) Within the City of London: the Common Council.

(b) Outside the City of London: The London County Council.

(c) The Council of the Metropolitan Borough in which the area is situated on being informed by the County Council shall take the steps required.

I. CLEARANCE AREAS

Sec. 1 of the Act of 1930 provides for the declaration by local authorities of unhealthy areas as Clearance Areas, with a view to the demolition of all buildings therein.

There is no statutory definition of a Clearance Area, but Sec. 16 (5) (i) provides that the London County Council shall not declare any area to be a Clearance Area unless that area contains more than ten dwelling-houses.

1. LOCAL AUTHORITY MAY DECLARE UNHEALTHY AREA TO BE CLEARANCE AREA.

(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district that the dwelling-houses in that area are dangerous or injurious to the health of the

inhabitants they shall pass a resolution declaring the area so defined to be a *Clearance Area*.

(2) *Clearance Orders*. Where, as respects any area declared by them to be a *Clearance Area*, a local authority determine to order any buildings in the area to be demolished, they shall make and submit to the Minister, for confirmation by him, an Order (in this Act referred to as a *Clearance Order*), ordering the demolition of each of those buildings.

(3) *Purchase by Local Authority of Land Surrounded by or Adjoining Clearance Area*. Where a local authority determine to purchase land comprised in a Clearance Area, they may purchase also any land which is surrounded by the Clearance Area, the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions.

(4) *Provisions with respect to Property belonging to a Local Authority within or adjacent to a Clearance Area which may be included in that Area*. A local authority, when declaring an area to be a Clearance Area, may include in that area—

Any land which they have previously acquired with the intention of demolishing the buildings thereon either under:

(a) Sec. 54 of the Housing Act, 1925 (Improvements);

(b) Sec. 63 of the Housing Act, 1925 (New Houses).

(5) *Treatment of Clearance Area*. A local authority who have under this Part of this Act purchased any land comprised in or surrounded by or adjoining a Clearance Area shall as soon as may be cause every building to be vacated and shall deal with the land in one or other of the ways set out in the Act.

(6) *Power of Local Authority to Purchase Cleared Land which Owners have Failed to Re-develop*.

(a) The Act of 1930 enables the local authority to buy the area.

(b) Where they are unable to buy by agreement they may make a *Compulsory Purchase Order*, of which due notice must be given and which must be confirmed by the Minister of Health, who must hold an inquiry if there be objections.

II. IMPROVEMENT AREA

1. Where a local authority are satisfied that the housing conditions in any area are dangerous or injurious to the health of the inhabitants they may pass a resolution declaring the area to be an *Improvement Area* with a view to—

(a) The demolition or repair of such dwelling-houses as are unfit for human habitation;

(b) The purchase of land for opening out the area; and

(c) The abatement of overcrowding.

An Improvement Area may be described as a potential Clearance Area in which it is not necessary to demolish *all* the

properties, but with regard to which it is the duty of the local authority to prevent from lapsing into such a condition.

2. LOCAL AUTHORITY MAY DECLARE UNHEALTHY AREA TO BE IMPROVEMENT AREA upon consideration of—

- (a) An official representation; or
- (b) Other information in their possession.

The local authority may cause that area to be defined on a map and may pass a resolution declaring the area so defined to be an Improvement Area.

TREATMENT OF IMPROVEMENT AREA.

1. A local authority which has passed a resolution declaring an area to be an Improvement Area shall, as soon as may be—

(1) In the case of *dwelling-houses* which are unfit for habitation—

(a) Serve notices under Part II of this Act requiring the execution of all necessary works thereon; or the demolition thereof, and

(b) Shall enforce compliance with these notices.

(2) In so far as the improvement of the area involves the *purchase of land* for opening out the area—

(a) Proceed to purchase that land; or

(b) Accept owner's undertaking to remedy conditions.

POWER TO AUTHORIZE SUPERIOR LANDLORD TO ENTER AND EXECUTE WORKS.

(a) Where it is proved to the satisfaction of the High Court, on an application in accordance with Rules of Court, of any person entitled to any interest in any land used in whole or in part as a site for dwelling-houses for the working classes,

(b) That the applicant should be entrusted with the carrying out of scheme approved by the local authority,

(c) The Court may make an Order empowering the applicant forthwith to enter on the land; and within the time fixed by the Order to execute such works as may be necessary. (Act, 1925, Sec. 53.)

PROVISIONS AS TO COMPENSATION

1. WHERE LAND IS ACQUIRED COMPULSORILY the compensation to be paid for the land, including any buildings thereon, shall be the value at the time the valuation is made of the land as a site cleared of buildings and available for development, in accordance with the requirements of the building by-laws for the time being in force in the district.

2. THE COMPENSATION shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

3. IN THE CASE OF LAND and premises included in a scheme only for the purpose of making the scheme efficient, the compensation shall be assessed in accordance with the Rules contained in Part I of the First Schedule of the Housing Act, 1925.

EXCHEQUER GRANTS

1. In place of the Exchequer Grant of one-half the net annual loss on re-housing under the 1925 Act, the Act of 1930 provides a grant in aid to local authorities in dealing with clearance areas, improvement areas, and the demolition of individual houses.

2. Grants will be made in respect of the number of persons dispossessed and for whom accommodation is rendered available in any of those ways.

3. The grant is payable for forty years on a unit basis of 45s. per man, woman, and child displaced under the Act and in respect of whom alternative accommodation has been provided.

4. In agricultural parishes the grant is increased to £2 10s.

5. In any case in which the Ministry certifies that it is necessary to re-house on a *Clearance Area* in buildings of more than three storeys or on a site the value of which, as certified by the Minister, exceeds £3,000 per acre, the grant would be increased to £3 10s. per person.

6. It is proposed that the review of the Exchequer Grants under the Wheatley Scheme, under the Act of 1924, and this scheme under the Act of 1930, should take place at intervals of three years, and the first revision would be October, 1933.

RATE CONTRIBUTION

1. The scheme under the Act of 1930 provides for a contribution from the local authority of £3 15s. per house per annum for forty years (Sec. 27).

2. This may be increased at the option of the local authority, but can only be reduced with the approval of the Minister.

3. The granting of the Minister's approval is dependent upon the solvency of the scheme of the local authority at approved rents.

4. In the case of rural parishes, the County Council must also contribute at least £1 per house.

PART III

PROVISION OF HOUSES FOR THE WORKING CLASSES

SCOPE OF PART III.

"Working Classes" is a term which is very broadly interpreted by the Ministry of Health. It includes mechanics, citizens, labourers, and others working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of £3 a week, and the families of any such persons who may be residing with them. (Fifth Schedule, Housing Act, 1925.)

GENERAL POWERS OF LOCAL AUTHORITIES

1. To PROVIDE housing accommodation by the—

(a) Erection of dwelling houses on any land acquired or appropriated by them.

(b) Conversion of any buildings into dwelling houses.

(c) Acquisition of houses suitable for the purpose.

(d) Altering, enlarging, repairing, or improving any houses or buildings on land acquired as a site for the erection of dwelling houses.

Such powers may be exercised by a local authority outside their district, except in the case of a Rural District Council.

2. LOCAL AUTHORITY may fit out, furnish, and supply any such house with all requisite furniture, fittings, and conveniences.

3. COTTAGE may include a garden of not more than one acre.

4. POWER TO ACQUIRE LAND under this Part of the Act, by agreement or, subject to Minister's approval, compulsorily, viz.—

(a) Any land, including houses or other buildings thereon.

(b) Any estate or interest in any houses, together with any land occupied with such houses.

(c) Land for the purpose of—

(i) Lease or sale to other persons to erect dwellings.

(ii) Lease or sale for purposes desirable for or incidental to the development of the land as a building estate, including houses and gardens, factories, workshops, places of worship, places of recreation, and other works or buildings.

5. To ACQUIRE by agreement or contract for a lease to them of dwelling houses, whether built at the date or intended to be built hereafter.

6. To ACQUIRE LAND by an agreement for the purpose of this Part of this Act notwithstanding it is not immediately required, subject to conditions imposed by the Minister.

7. To LAY OUT AND CONSTRUCT streets, roads, and open spaces on the land acquired, and, with the consent of the Minister, sell or lease the land or part thereof.

8. To CONTRIBUTE towards the expenses of the development of land and the laying out and construction of streets thereon.

9. PUBLIC UTILITY SOCIETIES may be promoted by local authorities, who may give them money, lend them money, guarantee the payment of interest on loans, and (if necessary) acquire land for them.

10. THE SMALL DWELLINGS ACQUISITION ACTS, 1899 AND 1923, may be adopted, whereby the local authority may advance to a ratepayer 90 per cent. of their valuation of a house to be occupied by the applicant.

(a) Value of house must not exceed £1,200.

(b) The rate of interest is fixed by Order of the Minister of Health with the approval of the Treasury.

(c) The Minister considers applications from local authorities who consider a different rate should be applied in their case for any reason, e.g. the terms on which they can borrow.

SCHEMES FOR THE PROVISION OF HOUSES FOR THE WORKING CLASSES

1. DUTY of local authority—

(a) To consider the needs of their area ;

(b) To prepare a scheme for the exercise of their powers under this part of this Act—

(i) as often as occasion arises ; or

(ii) within three months after notice has been given to them by the Minister.

2. APPROVAL of scheme by Minister, with or without modification, having regard to existing architectural, historic, or artistic features, and the natural amenities of the locality.

3. DUTY of local authority to carry out scheme within such time as may be specified in the scheme or allowed by the Minister.

4. EXECUTION of works, etc., by local authority outside its own area shall be subject to the approval of the Minister and to agreements with the Council of the county or district in which the scheme is being carried out.

MANAGEMENT OF HOUSES PROVIDED BY LOCAL AUTHORITY

1. THE MANAGEMENT, regulation, and control of the dwelling houses provided by a local authority shall be vested in and exercised by them.

2. BY-LAWS for the management, use, and regulation of dwelling houses shall be made by the local authority.

3. INSPECTION of houses shall be provided by the local authority.

ENFORCEMENT OF PROVISIONS .

1. COMPLAINT that the local authority have failed to exercise their powers under this part of this Act may be made to the Minister by—

(i) any Justice of the Peace acting for the area ; or

(ii) any four or more Local Government Electors in the area.

In the case of an urban or rural district complaint may also be made by the Council of the County in which the district is situated ; and

In the case of a rural district by the Parish Council or Meeting of any parish in the district.

2. THE MINISTER may—

- (a) Cause a public local inquiry to be held.
- (b) Declare the authority to be in default.
- (c) Make an Order directing that authority within a time limited by the Order to exercise their power.

3. ORDER originally made on the Council of a county district may, with the consent of the County Council, be directed by the Minister to be carried out by them in default of the District Council.

4. SUCH ORDER shall be laid before both Houses of Parliament as soon as may be after it is made and *enforced* by Writ of Mandamus.

5. COUNTY COUNCIL may act in place of a defaulting local authority or joint authority upon an Order issued by the Minister.

6. MINISTER may act in place of a defaulting County Council, local authority, or joint authority.

7. COUNTY COUNCIL may act in place of defaulting Rural District Council on complaint by persons or authorities in 1, above.

ACQUISITION AND APPROPRIATION OF LAND

1. POWER to acquire land by agreement as if for the purposes of the Public Health Act, 1875.

2. COMPULSORY acquisition of land by local authority in accordance with the Third Schedule of the 1925 Act and Second Schedule of 1930 Act.

3. APPROPRIATION of any houses or land vested in a local authority with the consent of the Minister.

4. TRUSTEES of any dwelling houses for the working classes provided by private subscriptions or otherwise may sell or lease the houses to the local authority.

5. THE COMMISSIONERS OF WOODS may sell or let to a local authority for the purposes of this Part of this Act any part of the land if the Minister is satisfied that the acquisition of the land is desirable in the national interest.

6. MINISTER OF HEALTH empowered to acquire land for Garden Cities under Housing (Financial Provisions) Act, 1919. (See also Town and Country Planning Act, 1932.)

ACQUISITION OF LAND

ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919, provides for the setting up of a tribunal for assessing compensation in respect of land compulsorily acquired for public purposes. For this purpose persons with special knowledge in the valuation of land shall be appointed by the Reference Committee, consisting in—

- 1. England and Wales : of the Lord Chief Justice of England,

the Master of the Rolls, and the President of the Surveyors' Institution.

2. Scotland : of the Lord President of the Court of Session, the Lord Justice Clerk, and the Chairman of the Scottish Committee of the Surveyors' Institution.

3. Ireland : of the Lord Chief Justice of Ireland, the Master of the Rolls in Ireland, and the President of the Surveyors' Institution.

Rules for the assessment of compensation, provision as to procedure before official arbitrators, and as to costs are made in the Act, and various aspects relating to the effect of the Act on existing enactments and provision made for finality of award and statement of special cases. Modified by Second Schedule of 1930 Act.

HOUSING (RURAL WORKERS) ACTS, 1926 AND 1931

1. The object of the Acts is to facilitate the reconditioning of old cottages, so as to bring them up to modern standards of comfort and sanitation, and also the conversion into dwellings of suitable buildings not previously used for that purpose.

2. Local authority, viz., county council or county borough council, may, and shall if required by him, submit to the Minister of Health schemes with respect to the reconstruction and improvement of houses or buildings within their area.

3. The local authority may, in accordance with approved schemes, give assistance towards the reconstruction in manner provided by the Act, by way of grant or loan.

4. Conditions of grant or loan—

(a) No assistance :

- (i) where ultimate value of the dwelling would exceed £400 :
- (ii) where estimated cost of works is less than £50 ;
- (iii) unless application for assistance was received before 1st October, 1930. (Extended for five years by 1931 Act) ;
- (iv) where interest of applicant is leasehold only ;
- (v) unless local authority is satisfied that the dwelling will be in all respects fit for habitation.

The local authority may refuse to give assistance on the ground that house or building cannot by reason of the narrowness, closeness, or bad arrangement of the streets or buildings, in the immediate neighbourhood thereof, be converted into a satisfactory dwelling or dwellings.

(b) The conditions which shall attach to the dwellings which are assisted include :

- (i) That the dwelling shall be occupied for twenty years by a person of substantially the same economic condition as an agricultural labourer.

(ii) That for twenty years the rent shall not exceed the normal agricultural rent, plus 3 per cent of the amount by which the cost of the works exceed the grant.

5. The amount of the grant shall not exceed either—

(i) two-thirds of the estimated costs of the works ; or

(ii) the sum of £100 in respect of each dwelling.

6. Government grants shall be made by way of annual payments for a period of twenty years from the completion of the works, equal to one half of the estimated average annual payments to be made by the local authority.

The Act has been extended for a further period of five years by Act of 1931.

The Housing (Rural Authorities) Act, 1931, aims at the provision of public assistance in respect of housing in rural areas. An Advisory Committee considered the applications from local authorities for special contributions beyond the assistance which the county council rendered by the payment of £1 annually for 40 years, as required by the Housing Act, 1930.

FINANCE

FINANCIAL ASSISTANCE as provided—

(1) Under 1919 (Addison) Act subsidies expired 1921, but Government Grants are paid for all expenditure of the local authority in excess of 1d. rate. The Local Authorities (Assisted Housing Scheme) Amendment Regulations, 1932, prescribe the conditions under which the Exchequer subsidy payable under the 1919 Act shall be determined in future.

(2) Under 1923 (Chamberlain) Act: Government subsidy of £6 per house per annum for 20 years. Reduced to £4 from 1st October, 1927. Withdrawn as regards houses which were not completed before the 1st October, 1929. (Housing Acts (Revision of Contributions) Order, 1928.)

(3) Under 1924 (Wheatley) Act: Government subsidy of £9 per house per annum for 40 years. Reduced to £7 10s. from 1st October, 1927. In agricultural parishes £12 10s. per house per annum, reduced to £11 from 1st October, 1927, provided local authority gives £4 10s. (now £3 5s. from 1st October, 1927) and complies with conditions.

(4) The Housing (Revision of Contributions) Act, 1929, continues the subsidy in paragraph (3) above for a further period.

(5) Under 1930 Act, as described on page 70.

RATES. The expenses incurred by a local authority in the execution of the Housing Acts shall be defrayed as expenses of the Council in the execution of the Public Health Acts.

LOANS. Money borrowed for the purpose of the Housing Acts may be spread over a period not exceeding eighty years for land

and sixty years for buildings. The usual periods sanctioned by the Minister are—

Land: 80 years; Buildings: 60 years; Sewers: 30 years; Roads: 20 years.

ACCOUNTS must be made up separately under the three Parts, and audited as the other accounts of the local authority. In the case of Assisted Housing Schemes, accounts must be kept separately under each Act and audited by the District Auditor of the Ministry of Health.

The subject is dealt with more fully in *Outlines of Housing and Planning*. (Pitman.)

CHAPTER XIII

THE ADOPTIVE ACTS (INCLUDING THE AGRICULTURAL ACTS)

1. **THE ADOPTIVE ACTS** constitute a form of tentative legislation and are examples of permissive Local Government legislation. These Acts may be divided into two classes, viz.—

(1) **Sanitary Adoptive Acts** which may be adopted by any sanitary authority, viz., rural or urban district councils and borough councils.

(2) **Parochial Adoptive Acts** which may be adopted by any Parish Council (with the approval of the Parish Meeting), and by any Urban District Council or Borough Council.

2. **SANITARY ADOPTIVE ACTS** include—

(1) *Public Health Acts (Interments) Act*, 1879, provides that urban or rural sanitary authorities may provide and maintain cemeteries. The Minister of Health has power to compel a sanitary authority to provide a cemetery, which includes crematoria.

(2) *Public Health Acts Amendment Act*, 1890.

The Act is divided into Parts as follows—

Part I, General; Part II, Telegraph, etc., wires; Part III, Sanitary and other provisions; Part IV, Music and Dancing; Part V, Stock; which are dealt with in their relative chapters.

Part III only is adoptive by any rural sanitary authority. Parts II to V may be adopted by any urban sanitary authority.

(3) *Museum and Gymnasium Act*, 1891, gives power to urban sanitary authorities to provide and maintain museums and gymnasia. New museums can be provided only in connection with a free public library.

(4) *Private Street Works Act*, 1892, provides facilities for the recovery, from the owner, of expenses of making private streets. (See Chapter XVI.)

(5) *Open Spaces Act*, 1906, gives power to local authorities to take over, from trustees or corporations (other than municipal corporations) under local acts, open spaces and burial grounds, including disused burial grounds. Local authorities may acquire and maintain open spaces or burial grounds and make by-laws for the regulation thereof.

(6) *Public Health Acts Amendment Act*, 1907, is adoptive by either an urban or a rural sanitary authority.

The Act is divided into Parts as follows—

Part I, General; Part II, Streets and Buildings; Part III, Sanitary Provisions; Part IV, Infectious Diseases; Part V, Common Lodging-houses; Part VI, Recreation Grounds; Part VII, Police; Part VIII, Fire Brigade; Part IX, Skysigns; Part X, Miscellaneous; which are dealt with in their respective chapters.

(7) *Public Health Act*, 1925, is adoptive as to Parts II to V by an urban authority and as to Parts II to IV by a rural district council.

3. PAROCHIAL ADOPTIVE ACTS include—

(1) *Lighting and Watching Act*, 1833, enables a parish to provide lamps or enter into contracts for the provision of lighting the roads, streets, etc. No authority to supply power.

(2) *Baths and Washhouses Acts*, 1846 to 1899, and Public Health Act, 1925, Part IX by a two-thirds majority may be adopted upon the requisition of ten electors, for the provision of baths, gymnasia and washhouses.

(3) *Burial Acts*, 1852 to 1906, provide for the Parish Council to be represented upon the Burial Board. These Acts have been largely superseded by the Public Health Acts (Interments) Act, 1879, referred to on the previous page.

(4) *Public Improvement Act*, 1860, makes provision for village greens and recreation grounds, etc., where population is 500, limited to an expense equal to a rate of eightpence in the pound.

(5) *Public Libraries Acts*, 1892 to 1919, provide that any ten electors may demand a poll, upon the result of which, by a bare majority, reference and lending library and museum may be provided. By the Public Libraries Act, 1919, the maximum expenditure equal to a penny rate is abolished, and the County Councils are authorized to establish libraries for any borough or district within the county which does not already possess one.

AGRICULTURAL ACTS

1. THE MINISTRY OF AGRICULTURE AND FISHERIES ACT, 1919. Part III established County Agricultural Committees. These are compulsory on every County Council (other than the London County Council), but optional for County Boroughs and the London County Council. Committee may include co-opted members. Duties include the powers of the Council under the Destructive Insects and Pests Acts, 1877 and 1907; Diseases of Animals Acts, 1894 to 1914; Fertilizers and Feeding Stuffs Act, 1900; Land Drainage Act, 1930; Small Holdings and Allotments Act, 1908. It is provided that agricultural education may be referred to these Committees.

SMALL HOLDINGS AND ALLOTMENTS

2. **SMALL HOLDINGS AND ALLOTMENTS ACTS, 1908 TO 1926, AND THE LAND SETTLEMENT (FACILITIES) ACT, 1919**, enact that allotments must be provided for the population by the Town or District Council, or, in rural districts, the Parish Council. Land for allotments may be bought or hired compulsorily by means of a Provisional Order confirmed by the Ministry of Agriculture and Fisheries.

(1) A Small Holding is one which either exceeds one acre but does not exceed fifty acres in extent, or, where it exceeds the latter area, is not assessed for Income Tax beyond £100. The administration of Small Holdings is under the control of the County Council.

(2) An Allotment may not exceed an area of five acres. May be provided by the council of any borough, urban district or parish. Any six registered parliamentary electors or ratepayers may make representations to the council; and it is the duty of the County Council to ascertain the extent of this demand.

(3) The essential difference between an allotment and a small holding in rural districts is that the former is obtained by the Parish and the latter by the County Council. Elsewhere the essential difference is the part of the Act under which the land is required.

(4) The Small Holdings and Allotments Act, 1926, created a new type known as Cottage Holdings, being a holding including a rural dwelling house with not less than 40 perches of land.

3. **THE SMALL HOLDING COLONIES ACTS, 1916 and 1918**, provide that the Ministry of Agriculture and Fisheries for the purposes of the acquisition, equipment, and settlement of the area authorized to be acquired may, as respects any council, with the consent of the Council of that county, employ that council as their agents and vest in them all or any of their powers in addition to those vested in such council by virtue of the Small Holdings and Allotments Act, 1908.

4. **THE ALLOTMENTS ACT, 1922**, provides that holders cannot be dispossessed and their tenancies terminated except by a six months' notice expiring on or before 6th April, or on or after 29th September, or, where the land is required for building or similar purposes, by a three months' previous notice.

(3) Every local authority with a population of 10,000 or 400 allotments must set up an Allotments Committee, upon which representatives of the allotment holders must be appointed. (See Allotments Act, 1925, below.)

5. **THE SMALL HOLDINGS AND ALLOTMENTS ACT, 1926**, provides that it shall be the duty of the County Council to provide small holdings if they are of opinion that they can do so without

incurring loss. If there is a prospect of loss, it is still lawful, but not compulsory, for the Council to proceed. To purchasers of small holdings, the County Council may lend nine-tenths of the purchase money, and may make advances for the equipment.

6. THE ALLOTMENTS ACT, 1925, is largely concerned with providing facilities for the acquisition and maintenance of allotments by empowering local authorities to borrow money from the Public Works Loan Board, and where allotments are taken over for some other public purpose the local authorities are called upon to provide alternative land. It enacts that an Allotments Committee must be appointed where the total number of allotments provided by the council of a borough or urban district exceeds four hundred and irrespective of population.

7. THE AGRICULTURAL RETURNS ACT, 1925, enables the Ministry of Agriculture to collect facts in relation to agriculture from the occupiers or managers of agricultural land.

LAND DRAINAGE

1. THE ROYAL COMMISSION ON LAND DRAINAGE issued its report in December, 1927. It recommended that a Central Drainage Authority be set up for each catchment area where necessary, and that a list of such areas be scheduled to any land drainage Bill, power being reserved to the Minister of Agriculture to add or exclude areas. It was further recommended that county councils and county borough councils within a catchment area should be required to prepare a scheme for the constitution of the catchment area authority and to obtain the approval of the Minister of Agriculture, that the members of the catchment area authority should not exceed 30 in number and be, as to two-thirds, representatives of the county councils and county borough councils within the area, the remaining one-third consisting of members elected by the internal drainage authorities.

2. THE LAND DRAINAGE ACT, 1930. The chief objects of the Act may be stated as follows, viz.—

- (1) Consolidation of Land Drainage legislation.
- (2) Reform of areas and authorities to provide :
 - (a) More uniform administration.
 - (b) Larger main drainage areas.
 - (c) A wider basis of chargeability.
- (3) Adjustment of incidence of rates between :
 - (a) Uplands and lowlands.
 - (b) Agricultural and other interests.
 - (c) Owners and occupiers.

THE LOCAL AUTHORITIES under the Act will be Drainage Boards, which may be—

1. *Catchment Boards* for new catchment areas.

2. *Internal Drainage Boards* for drainage districts within catchment areas.

3. *Drainage Boards* for districts outside catchment areas.

The Drainage Boards may be existing boards or newly established by order of the Minister of Agriculture and Fisheries.

The Internal Boards may be existing boards within the catchment area or new boards constituted under the scheme of reorganization which each Catchment Board is required to prepare.

The *Catchment Boards* are newly established authorities set up for catchment areas formed for purposes of *Main Drainage*. They will have full control of the banks and channel of the *main* river and also work in close collaboration with the Internal Boards.

Certain areas are specified in the First Schedule as catchment areas, and the Minister is empowered, upon application of a County or County Borough Council, or as he thinks fit, to dissolve, re-group, or constitute new catchment areas.

4. *The Functions of Internal Drainage Boards* (i.e. boards of subdivisions of the area) will be the construction, maintenance, and improvement of watercourses and the outfall of water, or any defence against water.

The County or County Borough Council is empowered to make application to the Catchment Board for the transfer of the Internal Drainage Board's functions if it is in default.

For land outside catchment areas, the Minister may constitute any separate drainage district by order. A County Borough Council may petition for such an Order, but in the event of the petition being refused the Council would have to bear the expense.

The County and County Borough Council will also possess all the powers of a board with regard to the enforcement of repairs to watercourses and the removal of obstructions.

For "small areas" the Council will be empowered to acquire all the functions of a board. The "small area" is defined as one where the only works required would be of a minor nature, i.e. not exceeding £5 per acre, or £5,000 in all.

5. *Finance*. The Catchment Boards will derive their funds from—

(1) Precepts on each County or County Borough Council—limit of 2d. in the £.

(2) Contributions from Internal Drainage Boards.

The Drainage Boards will levy a Special Drainage Rate assessed on Schedule A gross values, and non-agricultural properties must be rated at one-third of their annual values. De-rating does not apply to rates levied by Land Drainage Boards.

CHAPTER XIV

MUNICIPAL TRADING

1. **DEFINITION.** A term applied to those services for which local authorities make a charge to the persons benefited. Such services are in the nature of trading undertakings. The term "trading undertaking" may be taken to mean gasworks, waterworks, electricity, tramway and light railway undertakings, and any other exceptional undertakings (such as harbours and ferries) which are carried on under local Acts and in respect of which it is requisite to arrive at an accurate statement of profit and loss.

2. **CERTAIN OTHER SERVICES** which are carried on by local authorities under their general statutory powers and which, though not expected to be profitable, might reasonably be expected to support themselves independently of the rates, may also be classified under this head. To this class belong housing schemes, carried on under the general law; and all such works as are rechargeable, partly or entirely, to others, as in the case of private street works and improvements.

3. CLASSES OF UNDERTAKINGS—

(i) Those having a monopoly—

(a) and a profit, e.g. tramways, markets, electricity, and gasworks.

(b) with no profit, e.g. waterworks, cemeteries.

(ii) Those without a monopoly—

(a) But with a profit, e.g. by-products, such as slabs manufactured from clinkers, coke, and tar.

(b) with no profit, e.g. baths, housing schemes.

4. CAUSES OF DEVELOPMENT—

(1) Prevention of private exploiting of public services by diverting private profits to local use; (2) Zeal of permanent officials, who desire the extension of municipal enterprise; (3) Increasing tendency for undertakings to combine to the disadvantage of the public; (4) Public desire for a voice in the management of public services.

5. ADVANTAGES CLAIMED by supporters of municipal trading—

(1) Is in the interest of public health and convenience.

(2) Provision is made for reduced prices, and improved services.

(3) Profits pass to the relief of the rates, and not into the hands of a limited number of shareholders.

6. DISADVANTAGES URGED by opponents of municipal trading—

(1) Lowers the efficiency of local authorities.

- (2) Possibility of corruption in administration.
- (3) Less efficient and more expensive than private enterprise.
- (4) Diminishes competition and checks enterprise ; although these may exist among local authorities.
- (5) Increased debt may militate against the general borrowing powers of local government authorities.

7. PRINCIPAL UNDERTAKINGS, other than those referred to in the chapter on Public Service Undertakings, include—

- (1) Markets ; under the Public Health Acts (incorporating the Markets and Fairs Act, 1847).
- (2) Water ; under the Public Health Acts. (See Chapter XI.)
- (3) Gas Supply ; under the Gas and Water Works Facilities Act, 1870.
- (4) The Health Resorts and Watering Places Act, 1921, provides that the Council of any borough or urban district may advertise the advantages and amenities of the borough or district as a health resort or watering-place limited to a rate of one and one-third penny in the pound.
- (5) *The Local Authorities (Publicity) Act*, 1931, enables local authorities to assist to the extent of one halfpenny rate the publicity outside the British Isles of the amenities and advantages of the British Isles.

Many local authorities have private Acts of Parliament which supplement their powers under the above Acts.

8. MUNICIPAL SAVINGS BANKS. Local authorities have no general powers to establish ordinary Savings Banks such as that established by the Birmingham Corporation under a private Act of Parliament. The Treasury appointed a Committee which reported in January, 1928, against an extension mainly on the grounds of danger to the general audit system.

Birkenhead and Cardiff obtained powers by private Acts in 1930 to establish Savings Banks but have not done so. There are seven Scottish Municipal Banks.

9. MUNICIPAL LOTTERY. The first municipal lottery took place at Birmingham in November, 1919. This was open to depositors in the Municipal Savings Bank.

10. SUSPENSION OF SINKING FUND PAYMENTS. The Local Authorities (Financial Provisions) Act, 1921, provides that where money is borrowed by a local authority for an undertaking of a revenue-producing character, then the annual provision for repayment may be suspended while the expenditure is unremunerative, but not for a longer period than five years.

11. THE STATUTORY GAS COMPANIES (ELECTRICITY SUPPLY POWERS) ACT, 1925, facilitates the supply of electricity by statutory gas companies.

12. LOCAL AUTHORITIES AS PRINTERS. In *Attorney-General v.*

Smethwick Corporation (1931), Mr. Justice Eve held that a public authority may use direct labour in printing its own minutes, instead of arranging for it to be done by contract.

13. TRANSFER OF PROFITS to Rate Funds.

(1) *Arguments in favour include—*

- (a) Ratepayers' services as guarantors of undertaking.
- (b) Ratepayers' reward for efficiency benefits, e.g. Consolidated Loans Fund.
- (c) Economic effect of reduction of charges for supply services.
- (d) Low rates attract new industries and residents.
- (e) Attractive services of Pleasure Resorts should be rewarded.

(2) *Arguments against transfer include—*

- (a) Primary object of municipal enterprise violated, i.e. maximum utility at minimum prices.
- (b) Legislative condemnation, e.g. Electricity Supply Act, 1926.
- (c) Inequitable form of local taxation.
- (d) Militates against industrial development.
- (e) Weakens reserves of trading enterprises.
- (f) Detrimental to other spheres of local government.
- (g) Falsifies rate poundage comparisons.
- (h) Wrong use of profits for political propaganda, which is to the detriment of the undertaking's reserves.

Every proposal, therefore, should be carefully examined in the light afforded by the progress of thought, the lessons of experience and the demands of the public.

14. FINAL REPORT OF THE ROYAL COMMISSION ON LOCAL GOVERNMENT, 1929.

Part I. Functions of Local Authorities.

(a) Distribution of certain Functions between Local Authorities.

- (1) Gas Meter Testing.
- (b) Other Questions affecting Powers and Duties of Local Authorities.

(1) Water Supplies.

(2) Publication of Provisional Orders made under the Gas and Waterworks Facilities Acts, 1870 and 1873, and the Tramways Act, 1870, should be discontinued. In lieu thereof an advertisement in a local newspaper substituted, and a copy of the order to be purchasable or be open to inspection.

CHAPTER XV

POLICE

1. BROADLY speaking, the maintenance of public order is effected by two kinds of agencies, those known as the Police and Justice. The former is obviously derived from the same word as Politics, and implies a close and essential connection with the work of the State. It is concerned rather with the prevention of violence than with the causes which lead to violence. The Police means the police force—the body of constables—the primary constitutional force for the protection of individuals in the enjoyment of their legal rights.

2. The maintenance of the King's Peace or the Peace of the Nation appears to have been the special duty of the Master of the Royal Stables or the *Comes Stabuli* (the constable). The office of High Constable was created by the Statute of Winchester, 1285. Petty Constables did not exist until the reign of Edward III. The village and the burgal watch was instituted in the thirteenth century. Until 1856 every township maintained its own parish constable.

3. POLICE AREAS AND AUTHORITIES of England and Wales are of five classes—

Police Area	Police Authority	Chief Officer of Police	Police Fund
The City of London	The Common Council	The Commissioner of City of London Police	City Police Rate
The Metropolitan Police Dist.	H.M. Secretary of State	The Commissioner of Police of the Metropolis	The Metropolitan Police Fund
A County	The Standing Joint Committee	The Chief Constable	The County Fund
A Borough	The Watch Committee	The Chief Constable	The General Rate Fund
The River Tyne	The Tyne Improvement Commissioners	The Superintendent or other Officer	The Tonnage Rates and Dues

Apart from the Metropolitan Police, the police service is a branch of local government. The police officer executes a public office under the law.

4. **COUNTY POLICE** are appointed under the Police Act, 1856, and the Local Government Act, 1888. By the latter statute the powers, duties and liabilities of quarter sessions and magistrates out of session, respecting the county police are exercised and discharged through a Standing Joint Committee, consisting of an equal number of justices and of members of the County Council.

5. **BOROUGH POLICE** are appointed under the Police Acts, 1839 to 1919, and the Municipal Corporations Act, 1882, in boroughs having a population of not less than 10,000. No new borough force can be established where the population is less than 20,000.

The Acts are administered by a Watch Committee, consisting of not more than one-third of the members of the Council, together with the Mayor, who is *ex officio* a member.

6. **THE CENTRAL AUTHORITY** is the Home Secretary. By the County and Borough Police Act, 1856, power is given to the Crown to appoint inspectors of constabulary for visiting and inquiring into the state and efficiency of the force. Each inspector is required to report generally upon these matters to the Secretary of State who issues a certificate of efficiency for the purpose of the Government grant. The Police Forces are formed into districts for the purposes of inspection.

7. **OFFICERS** include—

- | | |
|----------------------|-----------------|
| (1) Chief Constable. | (4) Sergeants. |
| (2) Superintendents. | (5) Constables. |
| (3) Inspectors. | |

8. **DUTIES OF THE POLICE** include: (a) The prevention and detection of crime; (b) the maintenance of order in streets and places of public resort; (c) infant life protection; (d) control of street trading; (e) provision for public safety, including (i) control of explosives and firearms, (ii) fire prevention, (iii) street traffic regulation, (iv) registration of aliens; (f) protection of public morals, including (i) control of plays, (ii) control of film exhibitions, (iii) suppression of obscene books and pictures, (iv) suppression of street betting, (v) suppression of lotteries; (g) control of vivisection; (h) patrols under Road Traffic Act, 1930.

Constables have the powers and duties by common law of an ordinary constable. They may act within the borough or county and within 7 miles of the limits thereof. Within this radius they must obey the lawful demands of any Justice of the Peace. They have general power to arrest any idle or disorderly person found disturbing the peace or who is suspected of intention to commit a felony. Any person resisting a constable in the execution of his duty is liable to a fine of £5. Constables are under the special protection of the law, increased penalties being incurred for assaults on them; and citizens must assist them if called upon.

THE RIOT DAMAGES ACT, 1886, makes provision for payment of compensation for losses by riots. Claims for compensation are to be made to the police authority.

9. SUPERANNUATION is provided under the Police Pensions Act, 1921.

(1) The Act provides a compulsory age of retirement, when an officer is entitled to a pension as a matter of right.

(2) The amount of pension is not less than one-half nor more than two-thirds wages. After ten years' approved service and certified incapacity, he is entitled to an ordinary pension. At any time he is entitled to a special pension.

(3) Gratuities for under 10 years' service may be awarded where incapacity is not due to injury received in the execution of his duty and is without his own default.

(4) Pensions and gratuities to widows are given—

(a) Where a police officer who joined the force after the 1st September, 1918, and has completed five years approved service, dies while in the force or whilst in receipt of a pension, the widow shall be entitled to a widow's ordinary pension.

(b) Where a police officer dies whilst serving in the force from the effects of an injury received in the execution of his duty without his own default, or dies whilst on pension from the effects of such injury, his widow shall be entitled—

(i) Where the injury was accidental, to a widow's ordinary pension.

(ii) Where the injury was non-accidental, to a widow's special pension.

(c) Where a police officer dies whilst serving in the force and his widow is not entitled to a pension, his widow shall be entitled to a gratuity.

(d) Where a widow is entitled to a pension and the police authority are satisfied that there are special reasons for the grant of a gratuity in lieu thereof, the police authority may, at their discretion and with her consent, grant her a gratuity.

(e) A widow's ordinary pension means an amount under one of two alternative scales, subject to a deduction equal to 25 per cent of the amount for each complete year of husband's pension.

(f) A widow's special pension is equal to one-third of her husband's annual pay at the time of his death or retirement.

(5) Allowances and gratuities of children and dependents—

(a) Where a police officer dies whilst in the force, or within twelve months after the grant of a pension, or at any time from the effects of an injury received in the execution of his duty, without his default, his children under sixteen shall be entitled to allowance until they reach that age.

(b) Where a child is entitled to an allowance, the police authority may grant a gratuity.

(c) Where a police officer dies whilst serving in the force, or within twelve months after the grant of a pension, or at any time from the effects of an injury, the police authority may grant a gratuity to a relative.

(6) The Police Pensions Act, 1921, authorizes a police authority to—

(a) Guarantee pensions to officers who continue in the force after being entitled to retire on a pension without medical examination.

(b) Grant an allowance at a rate not exceeding $12\frac{1}{2}$ per cent. of pay to such officers during such continuance. Any such allowance shall not be reckoned in the calculation of the amount of pension nor be subject to deductions.

(7) Payments of pensions, etc., are to be made out of the Police Fund instead of the Pension Funds, which were abolished by the Police Pensions Act, 1921. The Police Fund now receives

(a) Fines imposed by a court of summary jurisdiction—

(i) On members of a police force.

(ii) For assaults on members of a police force.

(iii) For other offences and awarded to informers being members of a police force.

(iv) For offences under the Licensing Act.

(b) Fines and fees payable to or received by members of a police force, and any other sums directed to be carried to a pension fund of a police force.

(c) Income from investments.

(d) Sums under the Local Taxation (Customs and Excise) Act, 1890, which are to be applied to police superannuation. These are distributed in the proportions in which those sums, were distributed in the financial year ended 31st March, 1915.

(e) Rateable deductions by the police authority of every police force from the pay of every member of the force increased by the Police Pensions Act, 1926, to 5 per cent per annum of his pay.

The above provisions do not apply to the county police in the three Divisions of Lincolnshire.

10. THE FIRE BRIGADE PENSIONS ACT, 1925, extends similar provisions to fire police.

11. EXPENSES. On a certificate from the Home Secretary that an efficient police is established: the Home Office makes a grant of half net approved expenditure as certified by the District Auditor. The balance is defrayed, in the case of a Borough, out of the General Fund or Rate, and in a County as a Special Expenses charge out of the County Fund. Special

provision is made for the other forces as shown on page 85, paragraph 3.

By Orders under the National Economy Act, 1931, the remunerations have been reduced in accordance with the recommendations of the Committee on National Expenditure.

12. **SPECIAL CONSTABLES** act in cases of emergencies. Where there are no volunteers, the office is, by the Special Constables Act of 1831, compulsory on appointment, by two justices, from among residents in the neighbourhood not exempt from serving as parish constables. A refusal to serve is punishable by a fine of £5. The Special Constables Act, 1923, made permanent the Special Constables Act, 1914, which conferred powers to make regulations with respect to special constables appointed during the Great War.

13. **PARISH CONSTABLES** are appointed under the Parish Constables Act, 1842, from among persons between the ages of 25 and 45, rated to the General or County Rate, and occupying tenements of an annual yearly value of £4.

14. **THE POLICE FEDERATION** was established by the Police Act, 1919, for the purpose of enabling the members of the police forces of England and Wales to consider and bring to the notice of the police authorities and the Secretary of State all matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals. The police are forbidden to join any Trade Union or to cause any member of a force to withhold his services. The Federation consists of all members of the several police forces below the rank of superintendent. It acts through Branch Boards, Central Conferences, and Central Committees.

(1) *Branch.* The members of each police force below the rank of superintendent form a Branch of the Federation. In each police force there are constituted three Branch Boards : one for constables ; one for sergeants ; and one for inspectors.

(2) *A Central Conference* for each rank is held annually in November. Each Conference consists of delegates elected in certain proportions by members of the Branch Boards of corresponding rank.

(3) *The Central Committee* elected by each Conference consists of six members, of whom two are elected by the Metropolitan and City of London Police Forces, two by the County Police Forces, and two by the Borough Police Forces. The Central Committee, either separately or as a Joint Central Committee, may submit representations in writing to the Secretary of State.

(4) *Police Councils* may be arranged by the Secretary of State for considering general questions affecting the police. These Councils consist of the Central Committee or the Joint

Central Committee, or a deputation from either of these committees, with representatives of Police Authorities, Chief Officers, and Superintendents.

15. **WOMEN PATROLS.** The work of women in the police service was one of the features of the Great War. As a result of the recommendations of the Economy Committee, the women patrols were withdrawn in the Metropolitan Police area in 1922, but were subsequently re-instituted.

16. **THE POLICE (APPEALS) ACT, 1927,** provides for a right of appeal by members of police forces who are dismissed or required to resign. A member of a police force who is dismissed or required to resign as an alternative to dismissal, may appeal to the Home Secretary, in accordance with rules made under the Act, if he gives notice of appeal in the prescribed manner and within the prescribed time. On any such appeal the disciplinary authority becomes the respondent.

RECENT DEVELOPMENTS

1. **EDUCATIONAL SCHEMES.** The efficiency of the police forces has been enhanced in many counties and towns by a system of instruction in duties, civics, local government, etc. Promotion is frequently made dependent upon examination in these and kindred subjects.

2. **PROPOSED POLICE COLLEGE** has been outlined by a Departmental Committee which reported in 1930.

3. **THE SELECT COMMITTEE ON POLICE FORCES AMALGAMATIONS** issued their Report on 18th July, 1932. They state that they had come to the conclusion that the case of the Home Office that the police forces of all boroughs with a population of under 75,000 should be merged with those of the County had not been made out.

4. **ROYAL COMMISSION ON LOTTERIES AND BETTING** was appointed in June, 1932, under the Chairmanship of Sir Sidney Rowlatt, "to inquire into the existing law and the practice thereunder relating to lotteries, betting, gambling, and cognate matters, and to report what changes, if any, are desirable and practicable." The Commission is still sitting.

SECTION IV

Transport

CHAPTER XVI

HIGHWAYS, STREETS, AND BRIDGES

1. **THE KING'S HIGHWAY** is a perpetual right of passage in the sovereign, for himself and his subjects, over another's land. The oldest existing highways are the Roman Watling Street which runs from Dover to London and from London to Chester, and the Fosse Way which runs from Somerset to Lincoln. "Way Wardens" duties were performed by the Overseers in the reign of Queen Elizabeth.

The first statute which organized the maintenance of roads, passed in 1555, created the office of Surveyor of Highways and established the obligation on the part of the occupying inhabitants to contribute labour and materials to carry out the work. The Turnpike Trusts followed.

2. **THE GENERAL HIGHWAY ACT, 1835**, was virtually the Act which developed the system of maintenance by each parish, and empowered it to levy a rate. The Act also sanctioned the appointment of a surveyor, who might be a salaried official, for each parish. Experience proved that the unit of the parish was too small, and the Public Health Act, 1848, made the new Local Boards of Health, as the urban sanitary authority, the Surveyor of Highways.

THE LOCAL GOVERNMENT ACT, 1894, definitely abolished both the Highway Districts and Highway Parishes, merging them into Rural Sanitary Districts.

THE LOCAL GOVERNMENT ACT, 1929, Part III, provided that from 1st April, 1930, all roads in Rural Districts and all classified roads in Urban districts should become a county responsibility. All county roads (other than roads "claimed" by an Urban Authority) vest in the County Council.

The position in County Boroughs and Metropolitan Boroughs was not changed by the Act, except with regard to Grants.

3. **CLASSIFICATION OF ROADS** has been completed by the Ministry of Transport as follows—

Class I roads being the main roads or great arteries along which the main traffic flows.

Class II roads being the most important thoroughfares.

Unclassified.—Other roads not in Class I or Class II, which include all roads and streets of minor importance.

A COUNTY ROAD is either—

- (1) A road which has ceased since 31st December, 1870, to be a turnpike road ; or
- (2) A road so declared by the County Council.
- (3) Under the Local Government Act, 1929, Part III.
 - (a) All rural roads.
 - (b) All classified roads in urban areas which are not claimed by the urban authority.

County Roads are now maintained by the County Councils under the Local Government Act, 1888, and the Local Government Act, 1929, Part III. The Acts entitle

- (i) urban authorities with a population of over 20,000 in 1928 to claim to maintain the county roads ;
 - (ii) other urban and rural district councils to apply to the county council to maintain the county roads and to be reimbursed the exact cost thereof by the County Councils.
4. MAKING OF NEW ROADS. Highways may be created—
- (a) by statute, e.g. express enactment or under an Enclosure Act ;
 - (b) by dedication to the public ;
 - (c) by "right of way."

The making of new roads and the widening of existing roads may be undertaken as follows—

(1) *The Ministry of Transport*, under the Development and Road Improvement Fund Act, 1909, incorporated in the Ministry of Transport Act, 1919. Power is given to acquire land not only for the road itself but also up to 220 yards on each side of the middle of the road.

(2) *County Councils*, under the Local Government Act, 1888, may make new roads and widen and improve existing roads. For this purpose they may obtain grants from the Minister of Transport and powers of compulsory purchase.

(3) *Urban Sanitary Authorities*—

(a) Under the Public Health Acts, may purchase any premises for the purpose of widening any street or making a new street.

(b) The Minister of Transport may assist the council, as in the case of County Councils.

(c) The County Council may also contribute.

(d) The authorities themselves may agree to maintain roads when constructed, and by two-thirds majority of the Council may agree to contribute towards the cost.

(e) Two Justices of the Peace may order an Urban Authority to widen a road to thirty feet.

(4) *Rural District Councils* may apply to the County Council for

delegation to them of the County Council's functions in relation to roads in their district.

5. UNCLASSIFIED ROADS are all roads which have not been included in Class I or Class II, but which have been adopted and are, therefore, maintainable by the inhabitants at large. They are administered by the County, Borough, or Urban District Councils. As provided by the Local Government Act, 1929, the Rural District Council is no longer the authority.

6. A PRIVATE ROAD or "Occupation Road" is a road which is not a public highway, but made for private purposes, over which certain persons have a right of passage by reason of their occupation of certain lands.

A STREET (from *strata*, "a paved way") generally means a road which has houses built more or less continuously on one or both sides of it.

7. MAKING OF NEW STREETS. The county and urban authorities are primarily responsible for the making of new streets.

The Public Health Act, 1925, required urban authorities within six months after 8th September, 1925, to prepare a list of the streets within their areas which are repairable by the inhabitants at large.

8. A PRIVATE STREET may be defined as any highway (not being a turnpike road), and any public bridge (not being a county bridge), and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, which is not a highway repairable by the inhabitants at large.

9. REPAIR AND MAINTENANCE OF STREETS. At common law the liability fell upon the inhabitants of the parish unless some other person or body was liable to repair.

An urban authority may require a street which is not repairable by the inhabitants at large to be made up to their satisfaction at the expense of the frontagers or others by taking action either

(a) under the Public Health Act, 1875, Sec. 150; or under that Act as amended by the Public Health Acts Amendment Act, 1890, or

(b) under the Private Street Works Act, 1892.

The powers under the Public Health Act may be extended by the Minister of Health to a rural sanitary authority subject to the provisions of the Local Government Act, 1929.

Action is usually taken under (b).

The *Private Street Works Act*, 1892, facilitates the method of adoption of private streets.

(1) The Act is adoptive by an urban sanitary authority or County Council by resolution passed at a meeting after one calendar month's notice has been given to every member of the authority.

(2) The Local Government Act, 1929, provides that the powers of rural district councils shall be exercised by County Councils, who must consult the district council when the work involves the construction of sewers.

(3) Where any street or part of a street is not sewered, levelled, paved, metalled, flagged, channelled, made good, and lighted to the satisfaction of the local authority, the authority may resolve to undertake the work, and the expenses incurred shall be apportioned on the premises fronting, adjoining, or abutting on such street or part of a street.

(4) For this purpose the surveyor shall prepare—

- (a) A specification of the works referred to in the resolution.
- (b) An estimate of the probable expenses of the work.
- (c) A provisional apportionment of the estimated expenses.

In such apportionment the authority may, if they think just, have regard to the greater or less degree of benefit and the amount of any work already done.

(5) Objections, which must be in writing and on statutory grounds only, are determined by Justices, who may quash or amend.

(6) When the works have been completed and the expenses thereof ascertained, the local authority shall make a final apportionment, and any premises included shall remain charged with the sum, together with interest at the rate of 5 per cent per annum. Local authority may contribute towards cost.

(7) The street, when made up, can be adopted by the local authority, who thereupon become liable for its maintenance.

10. WIDENING AND IMPROVEMENT OF STREETS under the Public Health Act, 1875, Sec. 154, and the Public Health Act, 1925, Sec. 83, including power to apply street by-laws to roads already taken over.

11. IMPROVEMENT LINES for widening streets may be prescribed by local authorities under Sections 33 and 34 of the Public Health Act, 1925; and power to prescribe building lines is given in Section 5 of the Roads Improvement Act, 1925.

12. DIVERSION AND STOPPING-UP OF HIGHWAYS is provided under the Highways Act, 1835, Secs. 84–92.

13. FOOTPATHS by the side of the road were seldom seen prior to the nineteenth century. By the Local Government Act, 1894, the District Council was made liable for the maintenance of footpaths as well as highways. By the same Act the Parish Council were empowered to undertake the maintenance of any footpath not being by the side of a public road.

14. BRIDGES. The making of bridges was not made part of the common duty of any public authority until 1888, when it

was entrusted to the County Council. Prior to this date, however, the law required their maintenance and repair by the highway authority.

The Bridges Act, 1929, enables highway authorities and the owners of bridges carrying public carriage roads to make agreements with respect to the maintenance, improvement, reconstruction and transfer of such bridges and of the approaches thereto and the roads carried thereby.

15. **FINANCE.** The expenses in connection with the construction and maintenance of highways, streets, and bridges are part of the public health charges of the respective local authorities.

Grants may be provided by the Ministry of Transport and the Unemployment Grants Committee.

16. **THE ROAD BOARD** was established by the Development and Road Improvement Funds Acts, 1909 and 1910, for the purpose of improving the facilities for road traffic in the United Kingdom and for the administration of the Road Improvement Grant. The Board was merged in the Ministry of Transport by the Ministry of Transport Act, 1919.

Work formerly performed by the Joint Roads Committee relating to public highways was transferred as from 31st March, 1920, to the Roads Department of the Ministry of Transport by the Ministry of Transport Act, 1919.

17. **THE LAND CHARGES ACT, 1925, Sec. 15,** provides for the registration of "local land charges" being a charge acquired by a local authority under the Public Health Acts, the Metropolis Management Acts, or the Private Street Works Act, 1892, or under any other similar public, general, local or private Act.

18. **THE LAW OF PROPERTY (AMENDMENT) ACT, 1926,** amends the Land Charges Act, 1925, Sec. 15, by providing that "any sum which is recoverable by a local authority from successive owners or occupiers of the property in respect of which the sum is recoverable shall, whether such sum is expressed to be a charge on the property or not, be deemed to be a charge."

19. **FINAL REPORT OF THE ROYAL COMMISSION ON LOCAL GOVERNMENT, 1929.**

Part I. Functions of Local Authorities.

- (a) Prescription of Building and Improvement Lines.
- (b) "Give and Take" Frontage Lines.
- (c) Roads forming the Boundaries of a Local Authority Area.
- (d) Procedure for Compulsory Acquisition of Land.

CHAPTER XVII

TRAFFIC REGULATION

INTRODUCTION

THE ROAD ACT, 1920, provides for the making of regulations with respect to (1) the registration of vehicles ; (2) the identification marks or signs to be fixed on vehicles ; (3) the particulars to be supplied ; (4) the registration books to be issued ; (5) the register for the vehicles for which dealers take out general licences. The Act provides for the levying by County Councils and County Borough Councils of duties on mechanically propelled vehicles and other carriages.

The Road Traffic Act, 1930, is divided into six Parts, 123 Sections, and five Schedules. The six Parts are as follows—

Part I. Regulation of Motor Vehicles.

Part II. Provision against Third Party Risks arising out of the use of Motor Vehicles.

Part III. Amendment of Law relating to Highways.

Part IV. Regulation of Public Service Vehicles.

Part V. Running of Public Service Vehicles by Local Authorities.

Part VI. General.

The five Schedules are as follows—

First. Limits of Speed.

Second. Provision as to Applications and Inquiries under Section 46.

Third. Traffic Areas—

Part I. Traffic Areas in England.

Part II. Traffic Areas in Scotland.

Fourth. Provisions as to the Determination and Payment of Compensation to Officers.

Fifth. Enactments Repealed.

PART I

REGULATION OF MOTOR VEHICLES

CLASSIFICATION OF MOTOR VEHICLES. Motor vehicles are classified by Sec. 2 under various headings. The maximum weight of vehicles in the motor class (i.e. light motor-cars as distinguished from heavy motor-cars) is raised to 2½ tons. The maximum weight is fixed at 3 tons in the case of private passenger-carrying motor-cars.

LICENSING OF DRIVERS is provided for in Sec. 4, etc. The licensing authority is the County Council or County Borough Council. The age at which a person may obtain a licence to drive a motor-cycle is raised from 14 to 16. No change is made in the age at which a person may drive an ordinary motor-car, i.e. it remains at 17, but it is provided that no one under the age of 21 may drive a heavy motor-car, motor-tractor, or motor-locomotive. No provision is made for a definite test for drivers of motor vehicles.

Sec. 5 of the Act provides that every applicant for the grant or renewal of a driving licence shall make a declaration whether or not he is suffering from any disease or physical disability which would be likely to cause the driving of a motor vehicle by him to be a source of danger to the public. There are severe penalties for a false declaration. Certain disabilities, e.g. extremely bad sight or liability to fits of an incapacitating nature, would be an absolute bar. An applicant who is refused a driving licence may demand a practical test in driving, on payment of a fee of 10s.

Finally, there is an appeal to a court of summary jurisdiction against refusal of a driving licence.

RATE OF SPEED. No maximum speed limit is fixed for light motor-cars and motor-cycles. The speed limit for the heavier types of motor vehicles is set out in the First Schedule to the Act, as provided by Sec. 10. The speed limit for passenger-carrying heavy motor-cars with pneumatic tyres (e.g. the modern motor-coach) is 30 m.p.h. The abolition of the speed limit for light motor-cars and motor-cycles should be considered in connection with the substantially increased penalties for dangerous driving provided in another section.

Sub-sec. (6) of Sec. 10 declares it to be an offence for an employer to give instructions to a driver employed by him which, if carried out, would require the driver to exceed the speed limit for a heavy vehicle, such as a lorry or motor-coach.

RECKLESS OR DANGEROUS DRIVING. In the case of the serious offence of dangerous driving, heavy maximum penalties are fixed by Sec. 11. On a second or subsequent conviction the driver is to be disqualified from driving for a period, unless the court for special reasons decides otherwise. Provision is made by Sec. 12 for penalties in respect of careless driving. Sec. 13 prohibits motor racing and speed trials on highways. It is unlawful for any person to drive a motor vehicle on to or upon any common land, moorland, or other land of whatsoever description (not being land forming part of a road) or on any road being a bridleway or footpath, and penalties are provided by Sec. 14. It is, however, declared that nothing in the section prejudices the operation of Sec. 193 of the Law of Property Act, 1925, which relates to the rights of the public over commons and waste lands. Sec. 15

provides for the punishment of persons driving motor vehicles when under the influence of drink or drugs.

By Sec. 16, pillion riders must sit astride and on a proper seat securely fixed to the cycle behind the driver's seat.

ACCIDENTS. Sec. 22 provides that if in any case, owing to the presence of a motor vehicle on the road, an accident occurs whereby damage or injury is caused to any person, vehicle, or animal (including any horse, cattle, ass, mule, sheep, pig, goat, or dog), the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.

General powers are given to the Minister of Transport by Sec. 23 to inquire into accidents to, or caused by, motor vehicles on a road.

PART II

PROVISION AGAINST THIRD PARTY RISKS ARISING OUT OF THE USE OF MOTOR VEHICLES

(1) A driver or owner of a motor vehicle on a road is subject to severe maximum penalties if failing to satisfy himself that, whenever a motor vehicle is used on a road, he is covered by a policy of insurance or such a security in respect of third party risks as complies with the requirements of the Act against any legal claims that may be made against him by third parties in respect of personal injury.

(2) Invalid carriages, vehicles owned by local authorities or a police authority, and Crown vehicles are excepted.

(3) The insurance company or underwriters must give a client a certificate of insurance in the prescribed form and containing such particulars as may be prescribed.

(4) The legal liability of the owner or driver of a vehicle has not been changed. It is impracticable to secure that compensation will be available in all cases where legal liability would rest on the driver or owner.

(5) A sum not exceeding £25 may be recovered for hospital maintenance and treatment of motor accident cases, providing no charge is made.

PART III

AMENDMENT OF LAW RELATING TO HIGHWAYS

Highway Code. The Minister has issued the Highway Code under Section 45. The Code contains no penalty for failure to comply with the directions, but provides that any such failure may be relied upon by any party to proceedings as tending to establish or negative any liability in question.

ADVANCES FROM THE ROAD FUND.

1. It is declared by Sec. 57 that in relation to any roads for the maintenance of which he is responsible, the Minister of Transport is a highway authority for the purpose of Part II of the Development and Road Improvement Funds Act, 1909, and, accordingly, advances out of the Road Fund may be made to the Minister in his capacity of highway authority.

2. The expression "improvement of roads" in the said Part II shall include the work specified in Sec. 55 of this Act.

3. Advances may be made out of the Road Fund towards the expenses incurred by any highway authority in the erection of weigh-bridges or other machines for weighing vehicles.

4. Advances may be made out of the Road Fund towards any expenses incurred by a police authority in the provision and maintenance of vehicles or equipment for use by the force in connection with the enforcement of the Act.

PART IV

REGULATION OF PUBLIC SERVICE VEHICLES

Part IV of the Act is concerned entirely with the regulation of motor buses and coaches.

TRAFFIC AREAS AND TRAFFIC COMMISSIONERS.

The establishment of traffic areas in place of the old licensing areas was the most important innovation in the Act. Some such reform of the licensing system had been urgently required.

Great Britain is divided into thirteen traffic areas, each under the control of three Commissioners, who will issue all licences and regulate all routes and services. The chairman, a whole-time official, is appointed for seven years by the Minister, and the other two (part-time men) are selected by the Minister from panels prepared by the County Council and the Urban Authorities in the particular area. Their term is for three years. Sec. 72 makes provision for the granting by the Commissioners of the Road Service Licences. If the Commissioners refuse to issue a licence, an appeal may be made to the Minister.

Before a Road Service Licence is granted, the Commissioners are to hear other persons affected by such licence. For example, the Railway Companies automatically opposed grants of licences for regular routes.

Power is given to the Commissioners by Sec. 74 of the Act to revoke or suspend licences for non-compliance with conditions. Returns are to be made by persons operating public service vehicles, and licence holders are to supply particulars of arrangements with other persons as to the provision of passenger transport facilities.

The Public Service Vehicles (Conduct of Drivers, Conductors, and Passengers) Provisional Regulations, 1931, were issued under Sections 84 and 85 by the Minister of Transport on 4th April, 1931. Also the Public Service Vehicles (Licences and Certificates) (Amendment) Regulations, 1931. Other Regulations have since been issued.

PART V

RUNNING OF PUBLIC SERVICE VEHICLES BY LOCAL AUTHORITIES

Part V gives a local authority who, under any local Act or Order, are operating a tramway, light railway, trolley vehicle, or omnibus undertaking, powers to run public service vehicles on any road within their district, and also, with the consent of the Traffic Commissioners for the traffic area in which any road is situated, on that road without having to obtain a special Parliamentary Act or Order. Sec. 101 further provides that—

(2) Nothing in this Act shall authorize a local authority to run any public service vehicle :

(a) As a contract carriage ; or

(b) On any road on which they are for the time being prohibited by any local Act or Order from running omnibuses ; or

(c) Except with the consent of the authority, on any road vested in a statutory dock authority as such or in a statutory harbour authority as such ; or

(d) Except with the consent of the company, on any premises (not being part of a highway) belonging to a railway company and adjoining or giving access to a railway station.

The Act allows local authorities—the Council of any County Borough or County District, or a Joint Committee or Board of such bodies—which already operate a tramway, light railway, trolley vehicle, or omnibus undertaking, to run public service vehicles beyond their district, with the consent of the Minister.

PART VI

GENERAL

This part of the Act makes provision as to regulations which must be laid before both Houses of Parliament as soon as may be after they are made ; forgery, etc., of licences and certificates ; prosecutions and penalties for offences ; inquiries by Ministers ; expenses of Roads Department ; compensation for existing officers ; applications of fines and fees under Part I. The definition of “ male servant ” in the Revenue Acts is extended to a person employed to drive a motor-car. Special provisions are made as to Scotland. The Act does not extend to Northern Ireland.

CHAPTER XVIII

TOWN AND COUNTRY PLANNING

THE EARLIEST FORM is to be seen in the rectangular streets in Egypt, Greece, and Rome. The system was revived at the time of the Renaissance, followed by the planning of Bath, Edinburgh, and the numerous squares in the West End of London.

LEGISLATION is now contained in the Town and Country Planning Act, 1932. Other Acts which require consideration include the Lands Clauses Consolidation Act, 1845, the Town Improvement Clauses Act, 1847, the Public Health Acts, Part II of the Housing, Town Planning, etc., Acts, 1909 to 1923, and the Town Planning Act, 1925.

THE TOWN AND COUNTRY PLANNING ACT, 1932, which comes into operation on 1st April, 1933, and does not apply to Northern Ireland, is described as "An Act to authorize the making of schemes with respect to the development and planning of land, whether urban or rural, and in that connection to repeal and re-enact with amendments the enactments relating to town planning, to provide for the protection of rural amenities and the preservation of buildings and other objects of interest and beauty, to facilitate the acquisition of land for garden cities, and to make other provisions in connection with the matters aforesaid."

LOCAL AUTHORITY for the purposes of the Act—

- (a) The City of London: the Common Council.
- (b) The County of London: The London County Council.
- (c) Elsewhere: the councils of county boroughs and county districts.

The council of any county district may at any time by agreement relinquish in favour of the county council any of their powers and duties.

COMMITTEE.

(a) A local authority or a county council may appoint a committee for any purposes of the Act and may delegate to the committee with or without restrictions or conditions any of their powers, except the power to levy a rate or borrow money.

(b) At least three-fourths of the members of the committee shall be members of the appointing authority.

JOINT COMMITTEES may be constituted by two or more authorities or county councils, who may delegate with or without restrictions to that Committee any powers other than the power to borrow money or levy a rate.

RESPONSIBLE AUTHORITY may, pursuant to Section 11 (2) of the Act, be specified in the scheme as—

- (a) Any one of the following authorities—
 - (i) The local authority within whose district any land to which the scheme applies or any neighbouring land is situate ; or
 - (ii) A county council ; or
 - (iii) A joint body specially constituted ;
- (b) any two or more such authorities as aforesaid.

PROCEDURE WITH RESPECT TO SCHEMES

PREPARATION OR ADOPTION OF SCHEMES.

Section 6 provides that schemes may be prepared by—

- (a) A local authority ;
- (b) A joint committee duly authorized ; or
- (c) All or any of the owners of land.

Section 3 empowers the Minister of Health to compel an authority to

- (i) Prepare a scheme ; or
- (ii) Adopt a scheme which he has prepared.

NOTICES IN RELATION TO THE MAKING OF OR UNDER SCHEMES.

(1) Resolution by local authority or joint committee when the resolution has been approved by the Minister followed by—

- (a) Notice of the resolution published in
 - (i) The *London Gazette* ; and
 - (ii) A local newspaper at least once during each of two successive weeks.
- (b) Notice served within six months after the resolution takes effect in the case of every hereditament in the area on the person shown as

- (i) The occupier thereof in the latest assessment to Income Tax under Schedule A ; and
- (ii) The owner thereof.

2. Notice shall contain—

- (a) Concise statement of the effect of the resolution ; and
- (b) Statement as to the right of persons concerned to have their names registered for the purpose of the service of subsequent notices ; and

(c) A direction to the recipient to transmit it forthwith to the person, if any, to whom he pays rent for the property.

APPROVAL, VALIDITY, VARIATION, AND REVOCATION OF SCHEMES.

1. A scheme prepared or adopted by a local authority or joint committee shall require the approval of the Minister, and the Minister may approve any scheme with or without modifications.

2. The provisions of Section 8 and Parts I and II of the First Schedule to the Act shall have effect with respect to the laying

of schemes before Parliament, the validity of schemes, and the dates on which schemes are to come into operation.

3. A scheme may be varied, or may be revoked, by a subsequent scheme prepared, or adopted and approved in accordance with this Act and any regulations made thereunder.

4. The Minister shall not make any variation in the scheme unless he is satisfied that it will not involve any substantial additional expenditure by the responsible authority.

THE LAND CHARGES ACT, 1925, Section 15 (7), provides that such resolution shall be deemed a restrictive covenant and in future shall be registered as a local land charge.

SUPPLEMENTARY SCHEMES.

1. Where a regional scheme made by a joint committee is in operation, any local authority or joint committee may, by resolution, decide to prepare a supplementary scheme with respect to any land to which the regional scheme applies.

2. Supplementary scheme shall incorporate with or without modifications, all such provisions of the regional scheme as related to the area, and may include such additional provisions as appear to be necessary or desirable.

3. A resolution to prepare or adopt a supplementary scheme shall not affect the operation of the regional scheme, but as from the date on which the supplementary scheme comes into operation it shall so far as respects the area to which it applies, have the effect of revoking the regional scheme.

4. In Section 9 the expression "Regional Scheme" means a scheme made by a joint committee.

INTERIM DEVELOPMENT OF LAND.

1. Section 10 provides that the Minister—

(a) Shall make a General Order with respect to the interim development of land within the areas to which resolutions to prepare or adopt a scheme apply; and

(b) May make Special Orders with respect to the interim development of any such land on any particular area.

2. The Interim Development Order, may itself permit the development of land.

3. (a) Where application for permission to develop land is made to the specified authority, the authority may grant the application or refuse the application.

(b) In order to avoid delay, the Act provides that an application shall be deemed to have been granted if it is not decided within two months, unless extended time is agreed. (Sec. 10 (3).)

4. Local Authorities are now empowered to contribute towards loss or expenses incurred in consequence of the refusal of application to develop or of conditions attached to a permission.

5. There is an appeal to the Minister from a refusal to permit a proposed development.

CONTENTS AND EFFECT OF SCHEME—

Section 11 and the Second Schedule of the Act gives the matters to be dealt with by schemes, viz.—

1. Streets, roads, and other ways, and stopping up or diversion of existing highways including churchways.

2. Buildings, structures, and erections.

3. Open spaces, private and public.

4. The reservation of sites for places of religious worship or for houses for the residence of officiating ministers or burial places in connection therewith.

5. The reservation of land as sites for aerodromes.

6. The prohibition, regulation, and control of the deposit or disposal of waste materials and refuse.

7. Sewerage, drainage, and sewage disposal.

8. Lighting.

9. Water supply.

10. Ancillary or consequential works.

11. Extinction or variation of private rights of way and other easements.

12. Dealing with or disposal of land acquired by the responsible authority or by a local authority.

13. Power of entry and inspection.

14. Power of the responsible authority to remove, alter, or demolish any obstructive work.

15. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

16. Power of the responsible authority or a local authority to accept any property whether real or personal for the furtherance of the objects of any scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.

17. Application with the necessary modifications and adaptations of statutory enactments.

18. Carrying out and supplementing the provisions of this Act for enforcing schemes, and for that purpose imposing pecuniary penalties for breach of or failure to comply with schemes and making provision for the recovery thereof in a court of summary jurisdiction.

19. Limitation of time for operation of scheme.

20. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested.

21. Charging on any land the value of which is increased by

the operation of a scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations the provisions of any enactments dealing with charges for improvements of land.

PROVISIONS IN SCHEMES WITH RESPECT TO BUILDINGS AND BUILDING OPERATIONS.

(1) Provisions to be inserted in a scheme under Section 12 may have respect to buildings and building operations.

(2) Any person aggrieved by a decision of the responsible authority may appeal either to—

(i) A court of summary jurisdiction; or

(ii) A tribunal to be constituted for the purpose of the scheme.

POWER TO ENFORCE AND CARRY INTO EFFECT SCHEMES.

Detailed rules of procedure to be followed by the responsible authority in enforcing and carrying schemes into effect are prescribed by Section 13.

POWER AS TO MATTERS NOT FINALLY DEALT WITH BY SCHEME

SUPPLEMENTARY ORDERS.

Provisions may be inserted in any scheme empowering any—

(a) Responsible authority;

(b) Local authority; or

(c) County council concerned who are not a responsible authority—

(i) To make Supplementary Orders; or

(ii) To adopt, with or without modifications—

Supplementary Orders proposed by owners of land for supplementing the provisions of the scheme.

GENERAL DEVELOPMENT ORDERS.

The responsible authority may, by a General Development Order under Section 15, permit building operations to proceed, subject to such conditions as may be specified in the order on any land as respects which the provisions of a scheme prohibit or restrict building operations pending the coming into operation of a General Development Order.

ORDERS FOR PRESERVATION OF CERTAIN BUILDINGS.

Where the resolution to adopt a scheme has taken effect—

(a) The council of the county borough, or county district; or

(b) The council of the county comprising the district, may at any time make an order with respect to any building of special architectural or historical interest within that area directing that without their consent the building shall not be demolished, and may at any time vary or revoke an order so made by them.

MODEL CLAUSES—

(1) The contents of a draft scheme are now contained in Section 11 and the Second Schedule of the Act.

(2) In default of General Provisions and as a more detailed guide to local authorities the Minister issued a set of Model Clauses which cover the majority of the heads. The last issue is dated July, 1928.

(3) The Minister has in preparation a new set, consequent upon the passing of the Act of 1932.

COMPENSATION.

(1) Any person whose property is injuriously affected by the making of a planning scheme is entitled to compensation from the responsible authority.

(2) The scheme may provide that no compensation is payable on account of any provisions which (a) prescribe the space about buildings; or (b) limit the number of buildings to be erected; or (c) prescribe the height or character of buildings.

(3) (a) If a scheme is revoked, any person incurring expenditure in complying with the scheme is entitled to compensation. (b) Specific reference is made to injury to trade, business, or profession.

BETTERMENT.

1. Where any property is increased in value by—

(i) The coming into operation of any provision contained in a scheme; or

(ii) The execution by a responsible authority of any work; the responsible authority, if within—

(a) Twelve months after the date on which the provision came into operation;

(b) Such longer period as may be specified in the scheme; or

(c) Twelve months after the completion of the work
make claim in that behalf, may, subject to the provisions of this Act, recover from the person whose property is so increased in value an amount not exceeding 75 per cent of the amount of that increase.

(2) There are numerous provisos to this power and Sec. 21 of the Act should be studied carefully in detail.

PURCHASE OF LAND

ACQUISITION OF LAND TO WHICH A SCHEME APPLIES.

1. The responsible authority may acquire land, compulsorily if need be, for the purposes of the scheme and in particular—

(a) For controlling the development of frontages;

(b) For securing the satisfactory development of any land in accordance with the scheme;

(c) Which forms the site of a highway which has been stopped up; or

(d) Which they require for the purpose of providing accommodation for a person dispossessed under a scheme.

2. Land may be acquired for Open Spaces and Playing Fields in area covered by Planning Schemes (Section 26).

3. Land may also be acquired for garden cities, garden suburbs, and garden villages. (See below.)

SUPPLEMENTAL PROVISIONS WITH RESPECT TO SCHEMES include—

1. Limitation of street work charges. (Section 27.)

2. Power to contribute towards expenses of owners in connection with the proposal of schemes. (Section 28.)

3. Power of county council to assist in preparation of schemes.

4. Contributions by local authorities and statutory undertakers towards expenses of, or in connection with, schemes. (Sections 30 and 31.)

5. Application of betterment as capital. (Section 32.)

6. Power of public departments to make agreements in connection with schemes. (Section 33.)

7. Power of authorities and owners to enter into agreement restricting the use of land. (Section 34.)

PROVISIONS AS TO GARDEN CITIES.

Land may be acquired by the Minister either by agreement or compulsorily on behalf of (a) any local authority; or (b) two or more local authorities including a county council; or (c) any authorized association to develop it as a garden city, or as an extension of an existing garden city.

DEFAULT. If the local authority fail to do their duty in any respect, the Minister of Health may enforce compliance by *writ of mandamus*. In certain circumstances the Minister **may** himself act or empower the county council to do so at the expense of the local authority.

LEGAL PROCEEDINGS.

1. Appeal to Quarter Sessions lies from a decision of a court of summary jurisdiction within 28 days after the date of the decision.

2. Power is given to refer certain disputes to arbitration or to the Minister.

MISCELLANEOUS PROVISIONS.

1. No provision contained in a scheme shall apply to any land or any building erected thereon which belongs to any statutory undertakers without their consent. (Section 41.)

2. Consultations with Commissioners of Works to take place as to schemes affecting a building of special architectural or historic interest. (Section 42.)

3. Where a local authority or a joint committee propose to include in a scheme any land situated within the prescribed distance from any of the royal palaces or parks they must communicate with the Commissioners of Works. (Section 43.)

4. No works can be authorized whether of construction, demolition, or alteration on over or under tidal lands below high water mark except with the consent of the Board of Trade. (Section 44.)

5. Powers as to the preservation of single trees and groups of trees, and areas of woodland. (Section 46.)

POWERS WITH RESPECT TO ADVERTISEMENTS.

Advertisements Regulation Act, 1925, amends the Act of 1907 and prohibits advertisements which disfigure or injuriously affect rural views, amenities of villages or historic buildings. Exemptions include railway stations and urban docks, harbours and canals.

Section 47 of the Act of 1932 provides that—

(1) Where a responsible authority consider advertisement or hoarding injuriously affects the amenity of land they may serve—

(a) Notice on the owner of the advertisement or hoarding requiring him to remove it within not less than twenty-eight days; and

(b) A copy upon the owner and occupier of the land.

(2) Appeal lies by notice in writing to—

(i) Clerk of the court of summary jurisdiction; and

(ii) The responsible authority within twenty-eight days.

EXPENSES of Local Authority for the purposes of town and country planning are defrayed as expenses of the authority under the Public Health Acts.

LOANS. The provisions of the Public Health Acts in respect of borrowing apply to loans for town and country planning. Repayment may be spread over a period not exceeding eighty years.

THE PETROLEUM (CONSOLIDATION) ACT, 1928, Sec. 15, provides that for the purpose of preserving for the enjoyment of the public the amenities of any rural scenery or of any place of beauty or historic interest or of any public park or pleasure promenade, or of any street or place which is of interest by reason of its picturesque character the council of any county or borough may make by-laws

(a) regulating the appearance of petroleum-filling stations; or

(b) prohibiting the establishment of petroleum-filling stations in any part of their area to which the by-laws apply.

LONDON SQUARES AND OPEN SPACES were the subject of a Royal Commission which recommended that in the public interest all the enclosures, with the exception of five, should be permanently preserved as open spaces.

The London Squares Preservation Act, 1931, was promoted by the London County Council to carry out the principal recommendations of the Commission.

The subject of Planning is dealt with more fully in *Outlines of Housing and Planning* (Pitman).

CHAPTER XIX

PUBLIC SERVICE UNDERTAKINGS

THERE are many undertakings other than those referred to in the chapter on Municipal Trading, including—

1. Tramways; under the Tramways Act, 1870.

2. Electric Power; under the Electric Lighting Acts, 1882 to 1926. The Electricity (Supply) Act, 1919, provides for the Minister of Transport to set up—

(a) Electricity Commissioners not exceeding five in number, one being chairman.

(b) Joint Electricity authorities to be established by the Commissioners under schemes made by them.

(c) Duty of Joint Electricity Authority to provide or secure cheap and abundant supply of electricity.

The Electricity (Supply) Act, 1926, constituted a Central Electricity Board. The powers and duties are fully dealt with in *Local Government of the United Kingdom*.

The Court of Appeal decided in 1932 that the Minister of Transport has no power under Sec. 22 of the Electricity (Supply) Act, 1919, to determine the monetary payment to be made for the right to set up pylons. Compensation must be assessed by arbitration under the Acquisition of Land (Assessment of Compensation) Act, 1919.

3. Light Railways; under the Light Railways Acts, 1896 to 1912.

4. Ferries; by the Ferries Act, 1919, a County or a District Council may, with the consent of the Ministry of Transport, acquire and work an existing ferry. The tolls must be approved by the Ministry.

5. The Air Navigation Act, 1920 (Sec. 8), enables local authorities to establish municipally owned aerodromes.

FINAL REPORT OF THE ROYAL COMMISSION ON TRANSPORT.

1. The Third and Final Report of the Royal Commission on Transport, dealing with the Co-ordination and Development of Transport, was published in January, 1931.

2. Their considered view is that tramways, if not an obsolete form of transport, are at all events in a state of obsolescence, and cause much unnecessary congestion and considerable unnecessary danger to the public.

3. They recommend, therefore—

(a) That no additional tramways should be constructed; and

(b) That, though no definite time limit can be laid down, they should gradually disappear and give place to other forms of transport.

SECTION V

Education and Moral Improvement

CHAPTER XX

EDUCATION

1. **DEFINITION.** Education is that function which will develop the faculties of the individual in such a way that he will not only be able to fulfil his allotted task in life as an ordinary tradesman or professional man, but will also become best fitted to serve the community in which he dwells, and to render that service which shall enable him to leave the world better than he found it. Education enables, or should enable, the individual, as an individual, to realize his highest potentialities.

2. **HISTORY OF EDUCATION.** For about 1,100 years the Church was responsible for education. Prior to the Renaissance there were three types of schools which developed in this country, viz. monastic, grammar, and guild schools. These were followed by the public schools.

The invention of printing in the fifteenth century and the Reformation had considerable influence in regard to the encouragement of learning. It was not until after the Reformation had made itself fully felt that the need of primary education for the poor was recognized. The Church was naturally anxious to retain its hold on the mass of the nation, and by the Canons of 1604 secured the control of education. During the Stuart Period there was a steady reaction, and intellectually this was probably the darkest period in English history.

In 1699 commenced a new era with the formation of the Society for Promoting Christian Knowledge, including among its objects the education of the poor at home. In 1703 John Wesley was born, and Wesley and Whitefield awakened the moral conscience of the country from the lethargy into which it had fallen during the previous century.

In 1769 Hannah Ball started a Sunday School at High Wycombe, which was probably the first in the country, being followed in 1775 by James Hay, who opened a school at Little Lever, in Lancashire, and in 1780 Robert Raikes opened his first Sunday School in Gloucester. The elder Sir Robert Peel secured the passing of a Bill in 1802, which restricted children's labour in factories, and

required that reading, writing, and arithmetic should be taught to them during a part of each day.

The most notable effort made to further popular education was the introduction of the monitorial system, towards the close of the eighteenth century, the origin of which was claimed by Andrew Bell and Joseph Lancaster. In 1808 the Nonconformist followers of Lancaster founded the Royal Lancastrian Society, later the British and Foreign Schools Society. In 1811 the National Society for the Education of Children of the Poor according to the Principles of the Church of England (commonly referred to as the National Society) was formed, and took over the schools established by Andrew Bell.

In 1807 Mr. Whitbread, the Whig leader, introduced a Bill for the establishment of parochial schools through the agency of local vestries, who were to be empowered to levy a rate for the purpose. The Bill passed the House of Commons but was rejected by the House of Lords. In 1828 Thomas Arnold went to Rugby, and created a new public school spirit, immortalized by Thomas Hughes in *Tom Brown's School Days*.

State support came first in the form of a Minute, dated 30th August, 1833, of the Lords Commissioners of the Treasury, making a grant of £20,000 towards funds for the erection of school houses, not including residences of teachers.

By 1839 the grant, which had become annual, had increased to £30,000. The Education Department was constituted by an Order in Council, whereby a Special Committee of the Privy Council was established to administer the grant. At the same time inspectors of schools were appointed. The Treasury Minutes continued until 1856, when an Act of Parliament established the office of Vice-President of the Committee of Privy Council on Education, with the result that the administration of grants came under the control of a Minister responsible to Parliament.

The period from 1856 to 1870 was one of considerable political activity. No legislation was passed during that time, but by a Minute dated 29th July, 1861, the Right Hon. Robert Lowe, at that time Vice-President of the Committee, published a Revised Code of all the Minutes issued by the Education Department which had been codified for the first time in the preceding year. From this time the Code was reprinted every year, and no alteration involving expenditure was adopted until it had been submitted to Parliament.

THE EDUCATION ACT, 1870, provided for Commissioners to inquire into the condition of education in School Districts. These districts were created by adopting the borough boundaries for towns and the civil parish boundaries for the country. Where

there existed a deficiency, School Boards were to be elected in towns by the burgesses and elsewhere by the ratepayers.

THE SCHOOL ATTENDANCE COMMITTEE ACT, 1876, provided for the establishment of Committees wherever a School Board did not exist, and the machinery was completed in 1880 by the Compulsory By-Laws Act, which required all educational authorities to pass compulsory by-laws relative to school attendance. In 1891 the Abolition of Fees Act provided for an additional grant of 10s. for all free school accommodation. In 1897 the Voluntary Schools Act gave an additional grant of 5s. in respect of the scholars in attendance at Voluntary Schools, while at the same time these schools were exempted from the rates.

THE BOARD OF EDUCATION ACT, 1899, reconstituted the central authority. The same year Thomas Barclay Cockerton, the District Auditor of the Local Government Board, surcharged the London School Board in respect of certain expenditure for higher education, which he declared to be illegal. His ruling was upheld by the Queen's Bench Division of the High Court of Justice and the Court of Appeal.

In 1900 the Block Grant abolished the system of payment of grants by results. An Act of 1901 to meet the Cockerton judgment, which affected other places besides London, paved the way for the legislation which followed.

OBJECTS OF THE EDUCATION ACT, 1902. The objects of the Education Act, 1902, may be said to be the abolition of the *ad hoc* local authority. viz. the School Boards, and the transfer of their powers to the local education authority. The Act provided for the support of voluntary schools from the local rates in addition to the Government grants. The recognition of the responsibility of the local education authority to provide for public secondary education has stimulated the development of higher education.

LEGISLATION SINCE 1902.

The following Acts were subsequently passed, viz.—

Education (Administrative Provisions) Act, 1907.

Education (Administrative Provisions) No. 2 Act, 1911.

Elementary Education (Defective and Epileptic Children) Act, 1914.

Local Education Authority (Medical Treatment) Act, 1909.

Education (Provision of Meals) Acts, 1906 and 1914.

Education (Choice of Employment) Act, 1910.

3. THE EDUCATION ACT, 1918. An Education Bill was first introduced in the House of Commons by the Right Hon. H. A. L. Fisher, 10th August, 1917. Certain administrative proposals were strongly opposed and the Bill was withdrawn. It was introduced again on the 14th January, 1918, with important amendments, the outcome of negotiations with Local Authorities.

It died with the early close of the Parliamentary session. The third Bill was the outcome of negotiations for the adjustment of difficulties. It was introduced on the 25th February, 1918, and received the Royal Assent, 10th August, 1918.

EDUCATION ACT, 1921

THE SYSTEM OF EDUCATION in England and Wales is regulated by the Education Act, 1921, which is an Act to consolidate the enactments relating to Education and certain enactments relating to the employment of children and young persons.

Objects. The fundamental purpose of the Act is "the progressive development and comprehensive organization of education" available for all persons capable of profiting thereby. Until the passing of the Act our educational system had merely supplemented voluntary effort. The Act is intended to establish a system of national education.

THE EDUCATION ACT, 1921, is a consolidating measure containing the unrepealed sections of the Education Acts, 1870 to 1919. It contains 173 sections and 7 schedules. It is divided into nine parts, viz.—

- Part I. Central and Local Education Authorities.
- Part II. Schemes as to Powers and Duties.
- Part III. Elementary Schools.
- Part IV. School Attendance.
- Part V. Blind, Deaf, Defective and Epileptic Children.
- Part VI. Higher Education.
- Part VII. Provision for Health and Well-being of Scholars.
- Part VIII. Employment of Children and Young Persons.
- Part IX. General.

The Board of Education issued a circular to local authorities, stating that an Order had been made providing the 1st October, 1922, as the "appointed day" (a) for all the purposes of the Education Act, 1921, except sections 76, 77, and 93 (which relate to continuation schools), and (b) for those sections, as respects those areas and classes of persons to which section 10 of the Education Act, 1918 (which related to continuation schools), at that time applied.

DEFINITIONS—

(1) *Elementary Education* is the education of children up to sixteen or seventeen, within the limits of the Code issued by the Board of Education.

(2) *Higher Education* means education other than elementary, viz.—

(a) Technical Education includes instruction in the arts and sciences underlying some trade or profession.

(b) Commercial Education includes instruction in the art of disposing of the products of industry to the best advantage.

(c) Secondary Education includes that class of education which lies between the elementary schools and the universities, whether self-contained or leading to higher teaching.

(d) Day Continuation Schools are provided in accordance with the Education Act, 1921.

(e) University Education includes training at a university or university college.

PART I. CENTRAL AND LOCAL EDUCATION AUTHORITIES

1. THE BOARD OF EDUCATION is continued as the Department of Government charged with the superintendence of matters relating to education in England and Wales.

2. THE CONSULTATIVE COMMITTEE is continued for advising the Board of Education on any matters referred to the Committee by the Board. It is constituted in accordance with Order in Council dated 22nd July, 1920, under Section 4 of the Board of Education Act, 1899.

3. LOCAL EDUCATION AUTHORITY was established by the Education Act, 1902.

There are two classes—

(1) Local Education Authority for elementary education—The Council of every

(a) County Borough ;

(b) Borough with a population of over 10,000 at 1901 census.

(c) Urban District with a population of over 20,000 at 1901 census.

(d) County (excluding any such borough or urban district).

The Education (Local Authorities) Act, 1931, provides that no council of an urban district (whether a borough or not) which was not at the commencement of the Act a local education authority shall become such unless expressly constituted as such by an Act passed before the commencement of the Act.

(2) Local Education Authority for higher education. The Council of a County and the Council of a County Borough.

4. EDUCATION COMMITTEES of a Council are constituted in accordance with a scheme approved by Board of Education, providing for—

(1) Majority of members to be councillors unless, in the case of a county, the council otherwise determine.

(2) Co-option by the council, on the nomination or recommendation of other bodies, of persons of experience in education.

(3) The inclusion of women among the members.

(4) The Council may delegate to the Education Committee, with or without restrictions, any powers except the power of raising a rate or borrowing money.

5. **POWER TO RELINQUISH POWERS AND DUTIES.** The Council of a non-county borough or urban district may by agreement with the council of the county and with the approval of the Board of Education relinquish in favour of the County Council any of their powers and duties under the Act.

6. **PROVISIONS AS TO CO-OPERATION AND COMBINATION.** Powers are given to the local education authorities to combine voluntarily, to form Joint Committees, or Body of Managers, or Federations for carrying out work of common interest. A scheme for any such combination shall provide for the appointment of at least two-thirds of the members by councils and may provide either directly or by co-optation for the inclusion of teachers or other persons of experience in education.

7. **INSPECTION OF MINUTES.** The minutes of the proceedings of a local education authority and of the education committee shall be open to the inspection of any ratepayer at any reasonable time during the ordinary hours of business on payment of a fee of one shilling, and any ratepayer may make a copy thereof or take an extract therefrom.

PART II. SCHEMES AS TO POWERS AND DUTIES

1. **IT IS THE DUTY OF THE COUNCIL OF EVERY COUNTY AND COUNTY BOROUGH** to submit schemes to the Board of Education showing the mode in which their duties and powers under the Education Acts and under the Blind Persons Act, 1920, are to be performed and exercised whether separately or in co-operation with other authorities.

2. **SCHEMES AS TO ELEMENTARY EDUCATION** may be submitted to the Board of Education by the local education authority for elementary education and shall be submitted when required by the Board of Education.

3. **SCHEMES FOR CONTINUATION SCHOOLS** may be submitted by the local education authority for higher education, and shall be submitted when required by the Board of Education.

4. **SCHEMES** are to be submitted only after consultation with other local education authorities in the case of a county council. The local education authority concerned shall consider any representations made to them by parents or other persons or bodies of persons interested. Provision shall be made in order to secure that children and young persons shall not be debarred from receiving the benefits of any form of education by which they may be capable of profiting through inability to pay fees.

5. SCHEMES RELATING TO MEDICAL INSPECTION AND TREATMENT of children and young persons shall be submitted under similar conditions to the foregoing but to the Minister of Health.

PART III. ELEMENTARY SCHOOLS

1. MAINTENANCE AND PROVISION OF SCHOOLS.

(1) The local education authority for elementary education shall maintain and keep efficient all public elementary schools within their area. It is their duty to provide such additional accommodation necessary to meet the requirements of the Board of Education.

(2) A local education authority may, with the consent of the Board of Education, provide a public elementary school outside their area for the use of children within their area.

(3) The local education authority is required to adapt the teaching in the higher classes of public elementary schools to the requirements of older children; to organize in public elementary schools advanced instruction for the older and more intelligent children, and to arrange for the transfer of children to central schools when desirable.

(4) The power of a local education authority for elementary education shall include power to supply or aid the supply of Nursery Schools for children over two and under five years of age, and to attend to the health, nourishment, and physical welfare of the children attending such schools.

(5) The power of a local education authority for elementary education shall include power to provide vacation schools, vacation classes, and play centres or other means of recreation for scholars during their holidays or at such other times as the local education authority may prescribe.

(6) The local education authority for elementary education may make such arrangements, of either a permanent or temporary character, and including the provision of board and lodging for children otherwise unable to receive the full benefit of education by means of the ordinary provision made for the purpose by the authority.

(7) The powers of a local education authority for elementary education include a power to aid by scholarships or bursaries the instruction in public elementary schools of scholars from the age of twelve up to the age fixed as the limit for such instruction and to provide allowance for maintenance in connection with any scholarships awarded.

(8) The local education authority may maintain as a public elementary school any Marine School, or any school which is part of, or is held in, the premises of any institution in which children are boarded.

(9) The Board of Education may, on the application of the local education authority, authorize it to raise the age of compulsory attendance at elementary schools to sixteen years, such age to be deemed to be attained at the end of the school term and to admit children only at the commencement of a school term. Local education authorities should consider this power in view of the unemployment among young people.

2. CONDUCT OF SCHOOL.

(1) *Public Elementary School* means a school or department of a school at which elementary education is the principal part of the education there given. In connection with these schools—

(a) It shall not be required that a child shall attend or abstain from attending any place of religious worship.

(b) The time or times for religious observance shall be either at the beginning or at the end of any meeting of the school.

(c) The school shall be open at all times to the inspection of any of His Majesty's Inspectors.

(d) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant.

(2) There are two classes of Elementary Schools, viz. : *Provided* and *Non-Provided*.

(3) *Provided Schools* shall be conducted under the control and management of the local education authority, and no religious catechism, or religious formulary which is distinctive of any particular denomination, shall be taught in the school.

(4) *Non-provided Schools*.

(a) The local education authority shall be responsible for, and have control of all secular instruction.

(b) The local education authority shall maintain and keep efficient such school only so long as the school is necessary and the conditions and provisions of the Act are complied with, including—

(i) The admission to such schools of teachers appointed by the local education authority of secular subjects not attached to the staff of any particular school.

(ii) The admission of teachers appointed for the purpose of giving practical instruction.

(c) The managers of such school and the local education authority shall respectively be liable to make good any damage caused to furniture or rooms out of school hours.

(d) The local education authority have power to require pupils of non-provided schools to attend as may be directed any class in other institutions for the purpose of practical or special instruction or demonstration.

(e) The local education authority may close a school of less than thirty scholars. It is recommended that this should be extended to any school considered uneconomic in administration.

3. SCHOOL MANAGERS.

(1) *Appointment of Managers.* The Managers are appointed as follows. Where school is—

(a) Provided by the local education authority—

(i) Where County Council is local education authority—
four by the County Council, two by the minor local authority.

(ii) Where borough council or urban district council is the local education authority—such number by the Council as it may determine.

(b) Not provided by the local education authority—

Not exceeding four foundation managers, together with—

(i) Where the County Council is local education authority—
one by the County Council, one by the minor local authority.

(ii) Where the Borough or Urban District Council is the local education authority, two managers appointed by the Council.

Minor local authority means the Council of any borough, urban district, or parish, or the parish meeting of the area served by the school.

(2) *Grouping of Schools.* The local education authority may, if they consider it expedient for the purposes of educational efficiency and economy, distribute the children attending two or more non-provided schools according to age, sex, or attainments and otherwise with respect to the organization of the schools.

(3) *Powers of Managers.* The managers of a public elementary school—

(a) Provided by the local education authority, shall deal with such matters as the local education authority determine.

(b) Not provided by the local education authority, shall be the managers of the school, both for the purposes of the Act and for the purposes of the trust deed.

(4) *Management and Grouping of Provided Schools in London.*

(a) The number of managers and the grouping of schools shall be determined by the council of each borough, after consultation with the local education authority and subject to the approval of the Board of Education.

(b) Two-thirds shall be appointed by the borough council and one-third by the local education authority.

(c) A manager shall be appointed for not longer than three years, but may be re-appointed.

4. PROHIBITION OF SCHOOL FEES.

No fees shall be charged or other charges of any kind made in any public elementary school. Nothing affects the provisions

relating to payments by parents with respect to the provision of meals or the medical treatment of school children, or by parents of blind, deaf, defective, and epileptic children.

The Education Act, 1918, retained fees in secondary schools and abolished them in elementary schools, and provided for free education in day continuation schools at some future date. In other words, it applied the principle that where education was compulsory it was to be given without charge to the parents, but where the parent had an option whether or not to send his child to a particular type of school he should be required to pay fees.

5. TRANSFERS AND CLOSING OF SCHOOLS.

(1) *Power to Transfer School to Local Education Authority* is given to the managers of an elementary school, and the authority may assent to the arrangement.

(2) *Re-transfer of Schools* may be made to a body of managers qualified to hold the same under the trusts of the school as they existed before the transfer.

(3) *Provision as to Closing of School.* The managers of a non-provided public elementary school shall give eighteen months' notice to the local education authority of their intention to close the school, and a notice under this provision shall not be withdrawn except with the consent of the local education authority.

6. ENDOWMENTS OF NON-PROVIDED SCHOOLS.

Nothing in the Act affects any endowment or the discretion of any trustees in respect thereof.

PART IV. SCHOOL ATTENDANCE

1. DUTY OF PARENT AND LOCAL AUTHORITY.

(1) *It is the duty of the parent* of every child between the ages of 5 and 14, or if a by-law so provides, between the ages of 6 and 15, to cause that child to receive efficient elementary instruction in reading, writing, and arithmetic.

(2) *It is the duty of the local education authority* to take proceedings for enforcing the duty of the parent.

(3) *A School Attendance Order* may be made by a court of summary jurisdiction where complaint is made by a local education authority.

(4) *Proceedings on Disobedience* to order of court for attendance at school—

(a) In the first case of non-compliance with the order :

(i) If the parent of the child does not appear ; or

(ii) Appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order,

the court may impose a fine not exceeding, with the costs, twenty shillings.

(iii) If the parent satisfies the court, the court may order the child to be sent to a certified day industrial school.

(b) In the second or any subsequent case of non-compliance with the order :

(i) The court may order the child to be sent to a certified day industrial school or to a certified industrial school ; and

(ii) May in their discretion inflict any such fine as aforesaid ;

(iii) They may inflict a fine without ordering the child to be sent to an industrial school.

2. BY-LAWS.

(1) *It shall be the duty of the local education authority to make and enforce by-laws* for their area respecting the attendance of children at school.

(2) *By-laws shall require* the parents of children between the ages of 5 and such age not less than 14 nor more than 15, as may be fixed, to cause those children to attend school.

By-laws may provide that parents shall not be required to cause their children to attend school or to receive instruction before the age of six years.

(3) *Exemption may be granted* from obligation to attend school between the ages of 14 and 15 for such time and upon such conditions as the authority think fit.

(4) *By-laws shall not require* a child to attend school on any day exclusively set apart for religious observance by the religious body to which his parents belong.

(5) *Power is given to the Board of Education* in case of default of any local education authority either to exercise the powers of enforcing the duties of the local education authority or themselves to make by-laws respecting the attendance of children at school.

3. APPLICATION TO CHILDREN IN CANAL BOATS.

(1) A child in a registered canal boat and his parents shall be deemed to be resident in the place to which the boat is registered as belonging.

(2) If the parent satisfies the local education authority that the child is actually receiving efficient instruction in the area of another authority, the first named authority shall grant a certificate to that effect. Such certificate may be rescinded or varied.

(3) The Board of Education have power to make regulations with respect to the form of certificates or pass-books as to attendance at school, to be used by children in canal boats.

PART V. BLIND, DEAF, DEFECTIVE, AND EPILEPTIC CHILDREN

1. EDUCATION OF BLIND AND DEAF CHILDREN.

(1) *Duty of parent of blind or deaf child* to cause the child to receive instruction suitable to such child.

(2) *Duty of local education authority* for elementary education to enable blind and deaf children resident in their area to obtain efficient and suitable education in some school certified by the Board of Education.

2. EDUCATION OF DEFECTIVE AND EPILEPTIC CHILDREN.

(1) Duties of local education authority for Elementary Education include making suitable provision, either alone or in conjunction with other local education authority, for the education of children belonging to their area whose age exceeds seven years and who are ascertained to be mentally defective within the meaning of the Mentally Defective Act, 1899.

(2) Local education authority required to consult parents of children, and co-operate as far as possible with other authorities.

(3) Council of urban district or non-county borough may, by agreement, delegate its powers to the County Council.

(4) Local education authority may obtain an order, from a court of summary jurisdiction, requiring the child to be sent to a special school.

(5) On child's discharge as no longer defective, certificate of defect to be returned.

(6) *Mental Deficiency Act*, 1913, provides that the duties of the local education authority shall include a duty to make arrangements, subject to the approval of the Board of Education—

(a) For ascertaining—

(i) What children over the age of seven within their area are mentally defective.

(ii) Which of such children are incapable, by reason of mental defect, of receiving benefit or further benefit from instruction in special schools or classes provided under the Education Act, 1921.

(b) For notifying to the local authority under the Act the names and addresses of defective children, who on or before attaining the age of sixteen are about to be withdrawn from a special school or class and concerning whom the local education authority are of opinion that it would be to their benefit that they should be sent to an institution or placed under guardianship.

(7) *Duty of local education authority to provide for the Education of Defective and Epileptic Children.* If they cannot do this by means of day schools, they are not to be obliged to provide for the board and lodging of the children for seven years.

3. GENERAL PROVISIONS AS TO EDUCATION OF BLIND, DEAF, DEFECTIVE, AND EPILEPTIC CHILDREN.

(1) *The period of compulsory education* for these children extends to the age of 16 years, and may be enforced as under Part IV of the Act.

(2) *Parent of the child* is liable to contribute such weekly sum as may be agreed on, or, failing agreement, as may be settled by a court of summary jurisdiction.

PART VI. HIGHER EDUCATION

1. GENERAL POWERS.

(1) *The Local Education Authority* for higher education shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of higher education, and to promote the general co-ordination of all forms of education.

(2) *The Council of any non-county borough or urban district* may supply or aid the supply of education other than elementary, to the limit of a rate of 1½d. in the £. Provision is now made for schemes of co-operation between County Councils and other authorities within their area.

(3) The power of a local education authority to supply or aid the supply of higher education includes the power to—

(a) Train teachers and to supply or aid the supply of education other than elementary education.

(b) Make provision for the purpose outside their area.

(c) Provide or assist in providing scholarships (including allowances for maintenance) for, and to pay or assist in paying the fees of, students at schools or colleges or hostels within or without that area.

(4) *Schools or Institutions* for science and art may be transferred to a council having powers under this Act.

(5) *Power to Aid Research.* A local education authority for higher education may aid teachers and students to carry on an investigation for the advancement of learning or research in, or in connection with, an educational institution, and with that object may aid educational institutions.

2. CONTINUATION SCHOOLS.

Section 10 of the Education Act, 1918, was the heart of that Act. The appointed day was to have been in the Autumn, 1921, but has been postponed indefinitely. Its provisions are outlined below.

It shall be the duty of the local education authority for higher education either separately or in co-operation with other local education authorities—

(1) To provide **PART-TIME CONTINUATION SCHOOLS** for young persons up to the age of eighteen, free of fees. Provided that—

(a) The obligation shall not, within a period of seven years from the appointed day, apply to young persons between the ages of sixteen and eighteen, nor after that period to any young person who has attained the age of sixteen before the expiration of that period, and

(b) During the like period, if the local education authority so resolve, the number of hours in each year shall be two hundred and eighty instead of three hundred and twenty.

EXEMPTION from obligation to attend continuation schools is provided for any young person—

(a) Who is above the age of fourteen on the appointed day, or

(b) Who has satisfactorily completed a course of training for, and is engaged in the sea service in accordance with any national scheme;

(c) Who is above the age of sixteen and either

(i) Has passed the matriculation examination of a university of the United Kingdom or an examination equivalent thereto; or

(ii) Is shown to the satisfaction of the local education authority to have been up to the age of sixteen under suitable and efficient full-time instruction.

THE OBLIGATION TO ATTEND continuation schools shall not apply to any young person who is shown to the satisfaction of the local education authority to be under suitable and efficient

(a) Full-time instruction in some other manner;

(b) Part-time instruction in some other manner for a number of hours equal to those required for attendance at a continuation school;

(c) Where a British University or the Central Welsh Board reports to the Board of Education that a secondary school makes satisfactory provision for the education of the scholars, such a school shall for the purposes of this section be treated as recognized by the Board of Education as efficient.

ATTENDANCE shall not be required on a Sunday or during a holiday or half-holiday, nor between the hours of seven in the evening and eight in the morning, except in the case of young persons employed at night or otherwise employed at abnormal times.

PART VII. PROVISIONS FOR HEALTH AND WELL-BEING OF SCHOLARS

1. MEDICAL INSPECTION AND TREATMENT.

(1) It is the duty of the local education authority for elementary education to make such arrangements as may be sanctioned by the Minister of Health for attendance to the health and physical condition of scholars in public elementary schools; and to

provide for the medical inspection of children. According to present arrangements inspection must take place during the first school year, during the year after a child's twelfth birthday, and at some intermediate period.

(2) A local education authority for higher education is empowered to provide medical inspection and treatment in—

(a) Secondary schools provided by them.

(b) Schools under the Welsh Intermediate Education Act, 1899.

(c) Continuation schools under their direction and control.

(d) Such other educational institutions and schools provided by them as the Minister of Health may direct.

(e) To extend such provisions to any school or educational institution, whether aided by them or not, if so requested by or on behalf of the management thereof.

(3) Local Education Authorities are to avail themselves of the services of private medical practitioners for the medical treatment of children and young persons but shall not establish a general domiciliary service of treatment.

(4) Local education authority is empowered to recover from parents, summarily as a civil debt, the cost of medical treatment of their children.

(5) A parent is not obliged to submit his child to medical inspection or treatment.

2. PROVISION OF MEALS.

(1) The local education authority for elementary education may take steps for the provision of meals for children attending their public elementary schools, and for that purpose may—

(a) Associate themselves with a School Canteen Committee.

(b) Provide that Committee, without statutory limit as to expenditure, with land, buildings, furniture, apparatus, and such officers and servants as may be necessary for organization, preparation and service of such meals. Local education authority cannot purchase food save as hereinafter provided.

(2) Where local education authority resolve that children cannot take advantage of education by lack of food, and ascertain that there is inadequate voluntary provision, they may spend out of the rates such sums as may be necessary to meet the cost of the provision of food. The powers of the local education authority shall be exercisable in respect of children attending a public elementary school within their area, both on days when the school meets and on other days.

(3) Cost of meals is recoverable from parent summarily as a civil debt unless satisfied parent is unable to pay.

(4) No teacher is to be required as part of his duties to supervise or assist in the provision of meals.

3. MISCELLANEOUS POWERS.

(1) *Power to promote social and physical training* by a local education authority for elementary education, making arrangements to supply or maintain or aid the supply or maintenance of—

(a) Holiday or school camps.

(b) Centres and equipment for physical training, playing fields, school baths, and school swimming baths.

(c) Other facilities for social and physical training for children and young persons, and persons over the age of 18 attending education institutions in the day or evening.

(2) *Cleansing of verminous children* under order of local education authority for elementary education.

(3) *Provision of conveyances and guides* by local education authority for elementary education, where necessary, for teaching children or other scholars, including payment of travelling expenses.

(4) *Powers* of local education authority for elementary education include a power to prosecute any person under Section 12 of the Children Act, 1908 (relating to Cruelty), where the person against whom the offence was committed was a child, and to pay any expenses incidental to the prosecution.

PART VIII. EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

These provisions have been modified by the Children and Young Persons Act, 1932, and are incorporated as follows—

1. **POWER TO MAKE BY-LAWS** is given to the local education authority for elementary education with respect to regulating—

(1) The employment of children.

(2) Street trading by children and young persons under the age of 16.

2. **GENERAL RESTRICTIONS** on the employment of children—

(1) No child under the age of 12 shall be employed.

(2) No child may be employed—

(a) On any school day before the close of school hours; or

(b) On any day before 6 a.m. or after 8 p.m.

(c) For more than two hours on any day on which he is required to attend school; or

(d) On any Sunday for more than two hours.

Local by-laws may vary this provision for specified occupations. In any case, employment before 9 a.m. must be limited to one hour, and a child so employed must not be employed for more than one hour in the afternoon.

(3) No child shall be employed—

(a) To lift, carry, or move anything likely to cause injury; or

(b) In any occupation likely to be injurious to his life, limb, health, education, or physical development.

(4) The employment of children in factories, workshops, mines, and quarries is prohibited.

(5) As from the 1st January, 1921, it became illegal to employ any child under 14 in any industrial undertaking (as defined in the Employment of Women, Young Persons, and Children Act, 1920), unless the child was already so employed at that date.

(6) THE CHILDREN AND YOUNG PERSONS ACT, 1932, Sec. 51, gives power to local authorities to make by-laws with respect to employment of persons under 18. This section cannot come into operation until the draft of an Order of the Secretary of State has been approved by resolution of both Houses of Parliament.

(7) STREET TRADING, ETC.

(a) No person under the age of 16 shall engage or be employed in street trading.

(b) A local authority may make by-laws for regulating or prohibiting street trading by persons under the age of 18 (Sec. 52). By-laws under this part of the Children and Young Persons Act require the confirmation of the Home Secretary.

3. CHILDREN TAKING PART IN ENTERTAINMENTS, ETC. Restrictions are as follows—

(a) Section 55 (1) of the Act of 1932 prohibits the employment of any child in any entertainment in connection with which any charge is made to any of the audience.

(b) Section 55 (2) prohibits the employment of any child under the age of 16 years in similar employment, but excludes from the restrictions premises licensed according to law for public entertainment.

(c) Section 56 of the Act of 1932 provides that a local authority under rules prescribed by the Board of Education may grant licences for children to take part in entertainments.

(d) Section 57 of the Act of 1932 provides that no person under 16 years of age shall take part in any public performance in which his life or limbs are endangered.

(e) Section 58 provides that a petty sessional court may grant a licence for a person who has attained the age of 12 years to be trained to take part in performances of a dangerous nature.

(f) Child means a person who is attending a public elementary school and who attains the age of 14 years during a school term. (Act 1932, Sec. 60.)

4. CHOICE OF EMPLOYMENT. The powers of a local education authority for higher education include power to make arrangements, subject to the approval of the Board of Education; to give boys and girls under eighteen years of age assistance with respect to the choice of suitable employment by means of

collecting and communication of information, and the furnishing of advice. The Councils of a county, non-county borough or urban district who are local education authorities for elementary education may co-operate in this matter.

5. THE COMMITTEE ON EDUCATION AND INDUSTRY recommended that "The present system under which the responsibility for the administration of choice of employment and unemployment insurance for juveniles is shared by the Board of Education, and the Ministry of Labour should be terminated and the Ministry should assume central responsibility for the two services." This was effected by Order as from 19th September, 1927.

PART IX. GENERAL

1. ACQUISITION, APPROPRIATION, AND ALIENATION OF LAND.

(1) *A local education authority* may, for the purposes of their powers and duties under this Act—

(a) Purchase land by agreement by incorporation with this Act of the Land Clauses Act.

(b) Purchase land compulsorily for the purpose of any of their powers or duties under the Education Acts by means of an order confirmed by the Board of Education in accordance with the Fifth Schedule to this Act incorporating with the necessary adaptations the Land Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, and the Railways Clauses Consolidation Act, 1845.

(2) *Appropriation of Land.*

(a) Land acquired for specific purposes may be otherwise utilized—

(i) With the consent of the Board of Education, land if acquired for elementary education, may be utilized for higher education, and *vice versa*.

(ii) With the consent of, and after inquiry by, the Minister of Health, land, if acquired otherwise than for education, may be utilized for education.

(iii) With the consent of the Board of Education, land acquired for educational purposes may be appropriated to other purposes approved by the Minister of Health.

(3) *Alienation of Land.* The provisions of the Charitable Trusts Acts, 1853 to 1894, which relate to the sale, leasing, and exchange of lands belonging to any charity shall apply to a local education authority.

2. FINANCE.

(1) *Elementary Education Grants.*

(a) The Elementary Education Grant Regulations, 1932, set out the basis upon which the grant is payable by the Board

of Education to local education authorities for elementary education. The grant is to be calculated according to the following formula—

45s. for each unit of average attendance in public elementary schools maintained by the authority, plus—

(a) One-half of the net expenditure specified below; and

(b) One-fifth of the remaining net expenditure,
less the produce of a 7d. rate in the council's area.

The net expenditure ranking for 50 per cent grant comprises—

(a) Salaries of teachers.

(b) Maintenance allowances.

(c) Loan charges and any approved revenue expenditure in respect of outlay on educational reorganization or development to which the authority became committed after 31st August, 1929, and before 5th September, 1931.

(d) Expenditure on special services, i.e.—

(i) School medical service.

(ii) Provision of meals.

(iii) Special schools for blind, deaf, defective, or epileptic children.

(iv) Organization of physical training.

(v) Play centres.

(vi) Nursery schools.

Provision is made for the Additional Fixed Grant to be made to those authorities who received a highly-rated areas grant for 1929–30 under Article 6 of the 1925 Regulations as amended by the 1929 Amendment Regulations No. 5.

(b) *A Highly Rated Area Grant* is also made for areas to which it applies. The Board prescribes the amount of rates which must be reached before the grant operates.

(c) The amount by which a 7d. rate falls short of the unit of average attendance multiplied by the excess of the average attendance per 1,000 of the population over 100, e.g.—

Average attendance . . .	8,000	
Population . . .	50,000	
1d. rate . . .	£700	
Average attendance per 1,000		= 160
less		100
		<hr/> 60
		<hr/>
3d. per unit of attendance		= £100
£100 × 60		= £6,000
less 7d. rate . . .		<hr/> 4,900
		<hr/>
Grant		= <u>£1,100</u>

(d) *For Higher Education* the former grants (which were many and complicated) have now been replaced by the Higher Education (Substantative Grant) Regulations. The Grant operates to bring the total grants up to 50 per cent.

(e) The Sub-Committee on Education appointed by the Treasury Local Government Committee of Economy has recommended that fees must be charged in all aided Secondary Schools. These should be £15 15s. 0d. per annum. If below £10 10s. 0d. some increase will be expected.

(2) *Expenses of Local Authorities.*

Rating—

(i) Elementary Education—no statutory limit.

(ii) Higher Education.

(a) County Council—no statutory limit. The limit of two-pence in the pound, or such higher rate as the Ministry of Health may approve, was repealed by the Education Act, 1918.

(b) County borough council—no statutory limit.

(c) Non-county borough or urban district council may, in addition to the county, contribute to the supply or aid the supply of higher education but are limited to the proceeds of a rate of 1½d. in the pound.

(iii) (a) Expenses of County Council—

(i) Paid out of the County Fund unless otherwise provided for.

(ii) Is no longer required to charge on or raise within particular areas any portion of educational expenses and before doing so shall consult the Council of such borough or urban district.

(b) Expenses of Borough—Paid out of the General Rate Fund unless otherwise provided for.

(c) Expenses of Urban District—Paid out of the General Rate Fund.

(d) Public Assistance Authorities may contribute towards the expenditure in respect of defective or epileptic children sent by the authorities.

(3) *Audit of Accounts.* These accounts are made up yearly to 31st March, and are subject to audit by the District Auditor of the Minister of Health.

(4) *Loans* are subject to the approval of the Ministry of Health. They are repayable over a period not exceeding sixty years.

3. PROVISIONS AS TO INSPECTION.

(1) *Inspection and Examination* in respect of religious subjects in non-provided schools may be arranged by the managers on not more than two days in any one year.

(2) *Inspection of any School.* The Board of Education may, free of cost, inspect and report upon any school or educational institution if requested by the governing body or head master.

4. PROVISIONS AS TO AGE.

(1) *Certificates of Birth* for any purposes of elementary education or employment may be obtained on payment of sixpence.

(2) *Registrars of Births and Deaths* are required to transmit a return of children as specified by the local education authorities.

(3) *Age* for admittance or leaving school may be prescribed as being attained at the commencement or end of a school term.

5. **LEGAL PROCEEDINGS.** Legal proceedings for non-attendance or irregular attendance require the approval of not less than two members of the Education Committee.

6. **OFFICERS.** A local education authority may appoint necessary officers, including teachers, to hold office during the pleasure of the authority, and may assign to them such salaries as they think fit, and may remove any such officers.

7. **ENFORCEMENT OF DUTIES.** If the local education authority fail in their duties, the Board of Education may hold a public inquiry and make such order as they may think necessary, which may be enforced by *mandamus*.

8. RETURNS, INQUIRIES, REPORTS, AND NOTICES.

(1) *Returns* shall be made by the local education authority and by the managers of public elementary schools.

(2) *Public Inquiries* may be held by the Board of Education for the purpose of any of their powers and duties.

(3) *Annual Report* shall be laid before both Houses of Parliament by the Board of Education.

(4) *Notices* may be served upon and authenticated by the clerk to the local education authority.

9. MISCELLANEOUS.

(1) *Gifts* may be accepted by a local education authority and an authority shall have power to accept any real or personal property given to them as an educational endowment or upon trust for any purposes connected with education.

(2) *Exemption of School Buildings from Building By-laws* made by any local sanitary authority, is provided where plans are approved by Board of Education.

(3) *Exemption from Rates* is granted for non-provided schools, except to the extent of any profit derived by the managers of the school from the letting thereof.

(4) *Validity of Undertakings* made by any person intending to become a teacher is provided for, notwithstanding that he was an infant at the time the undertaking was given.

(5) *Registration Council* is constituted by the Privy Council, to which is assigned the duty of forming and keeping a register of such teachers who—

(a) Satisfy the conditions of registration established by the Council.

(b) Apply to be registered.

Adult Education

1. THE FINAL REPORT OF THE ADULT EDUCATION COMMITTEE of the Ministry of Reconstruction, 1918, contains the following proposals in reference to local authorities.

(1) Non-vocational adult education should be regarded as an integral part of the activities of local education authorities.

(2) Each local education authority in Great Britain should be required to submit to the Central Department a separate scheme or schemes dealing with this.

(3) General establishment of non-vocational institutes as evening centres for humane studies, co-operating with voluntary agencies and seeking to establish new traditions.

(4) Co-operation with voluntary organizations in the formation of local colleges foreshadowed by the proposed Revised Regulations of the Board of Education.

(5) Local authorities to give substantial assistance to university historical classes, courses of extension lectures and to salaries and expenses of resident tutors. Scholarship schemes to include scholarships to summer schools and maintenance grants to adults to reside in a university or college for a shorter or longer period. Local authorities to contribute annually the proceeds of a penny rate to their provincial university.

(6) Local authorities to combine to establish an Adult Education Joint Committee. This Committee should be required to co-opt representatives of universities and of bodies engaged in organizing non-vocational classes aided out of public funds. The Joint Committee would receive applications for the provision of adult classes and would form a panel of suitable lecturers from which teachers could be chosen for the classes provided.

2. AN ADULT EDUCATION COMMITTEE was constituted by the President of the Board of Education in April, 1921—

(1) To promote the development of liberal education for adults and in particular to bring together national organizations concerned with the provision of adult education ;

(2) To further the establishment of local voluntary organizations for the purpose of, and of arrangements for, co-operation with local education authorities, and

(3) To advise the Board of Education upon any matters which the Board may refer to the Committee.

The Committee have issued various Reports.

Education and Industry

There exists a demand for the linking together of education and industry.

(a) In 1926 Committee appointed by the President of the Board of Education and the Minister of Labour under the chairmanship

of Mr. Dougal Malcolm. Issued First Report in 1927 and Second Report in 1928.

(b) **REPORT OF COMMITTEE ON EDUCATION OF THE ADOLESCENT**, presided over by Sir W. H. Hadow, C.B.E., issued in 1928, recommended that elementary and secondary education should be regarded as "successive phases in a continuous process, through which all normal children should pass." In order to realize this ideal, the Committee recommend that elementary education should cease at 11, and that it should be followed by some form of secondary school, which should be classified as follows—

(1) Schools of the "Secondary" type most common to-day to be known as Grammar Schools.

(2) Schools of the type of existing Selective Central Schools which give at least four years' course from the age of 11 and with a practical trend, to be known as Modern Schools.

(3) Schools of the type of Non-selective Central Schools on the same general lines as in (2) to be also known as Modern Schools.

(4) Departments or classes within Public Elementary Schools providing post-primary education for children who do not go to any of the above-mentioned types of schools to be known as "Senior Classes."

The Committee recommended that the school-leaving age should be raised to 15 in five years' time. In 1929 the Government announced that this would operate as from April, 1931.

(c) **THE LORD EMMOTT COMMITTEE** was composed of representatives of all the important professional and teaching bodies in the country, including the Federation of British Industries and the General Federation of Trade Unions. The Reports of these Committees are fully dealt with in *Local Government of the United Kingdom* (Seventh Edition).

(d) The Sub-Committee on Education appointed by the Treasury Local Government Committee on Economy proposed the restriction of entrants into Training Colleges and the enlargement of classes to meet shortage of teachers.

Superannuation

1. **THE SCHOOL TEACHERS (SUPERANNUATION) ACT, 1922**, provided that for the purpose of the School Teachers (Superannuation) Act, 1918, a contribution of 5 per cent of the amount of their salary shall be made by teachers to whom the principal Act applies by way of contribution towards the cost of providing benefits under the Act.

2. **THE SCHOOL TEACHERS (SUPERANNUATION) ACT, 1924**, prolonged the period during which contributions were payable to the 1st April, 1926.

3. **THE ACT OF 1925** made these contributions permanent.

4. **THE TEACHERS (SUPERANNUATION) AMENDMENT ACT, 1928**, provides that a teacher may serve up to four years in a school in a foreign country maintained primarily for the education of children of British subjects, without losing their pension rights.

Wireless

The British Broadcasting Corporation has set up—

1. The Council for Broadcast Adult Education. (Chairman, His Grace the Archbishop of York.)
2. The Council for School Broadcasting. (Chairman, The Right Hon. H. A. L. Fisher.)

The Council's organ is the *Listener*, which devotes most of its space to the reproduction of talks.

Burnham Salaries Awards

Local Authorities Panels gave notice to terminate the existing scales on 31st March, 1932. These were adjusted under the National Economy Act, 1931.

Supervision of Private Schools

The report was issued in June, 1932, of the Departmental Committee set up by Sir Charles Trevelyan, when President of the Board of Education, to inquire into the position of the educational authorities in relation to schools which are not in receipt of grants from public funds, and to consider what changes are desirable so as to ensure the adequate education of the pupils under suitable conditions.

The expression "private schools" is used comprehensively to comprise all schools not in receipt of grants from public funds, and applies, therefore, to many of the highest and most exclusive educational institutions in the country as well as to a number of makeshift shams which are still to be found because some parents prefer them to the public elementary schools.

The main conclusions and recommendations are as follows—

1. The majority of private schools are above serious reproach, but a small proportion are so defective as to be definitely harmful to the mental and physical welfare of the pupils, while a larger proportion are seriously weak and inefficient.
2. The existing powers of the local education authorities and the Board of Education in regard to such schools are cumbersome and ineffective.
3. A remedy should be sought through a scheme of public supervision based on inspection, to which all private schools, with certain exceptions, should be subject.
4. Inspection should be of a liberal type, and should cover both

the instruction and the premises, including residential accommodation in boarding schools.

5. Power should be given to compel closure of schools which fail to comply with certain minimum requirements. The question whether a school complies with the minimum requirements should be decided ultimately by a court of summary jurisdiction, six months grace being given to the proprietor to put his school in order.

6. The statutory minimum as regards education should be efficient instruction in reading, writing, and arithmetic, of a scope and standard suited to the children's age, and capacity.

7. The minimum as to premises should be framed *ad hoc*, and should aim at securing what is essential to health and decency and to prohibit anything that might be injurious.

8. No requirements should be made regarding the qualifications of teachers in private schools.

9. The headmaster should have the right to choose between inspection by the local education authority or the Board of Education; the inspection should be periodical, but no fixed interval should be prescribed; the inspecting authority should have right of access at any reasonable time and no notice need be given beforehand.

10. Regular medical inspection of pupils should be encouraged in every possible way, but not made obligatory.

CHAPTER XXI

CHILDREN AND YOUNG PERSONS ACTS

CENTRAL AUTHORITY. A division of the Home Office has been constituted to deal with questions relating to children, particularly reformatory and industrial schools, children's courts, probation officers, cruelty to children, and street trading.

THE CHILDREN AND YOUNG PERSONS ACT, 1932. The main object of the Act, is "to amend the existing law contained in the Children Act, 1908, and other statutes relating to the care and protection of neglected children and young persons and the treatment of young offenders."

The Act also makes some changes in the law regarding infant life protection, the supervision of children and young persons in voluntary homes, and the employment of young persons in street trading.

By Sec. 84 (3) the provisions of the Act shall come into operation on such dates as the Secretary of State may appoint.

JUVENILE COURTS. Juvenile courts are not to be held in a building mainly or exclusively used either as a police station or for the holding of ordinary courts, without the special approval of the Secretary of State. Outside London they are to be constituted of members of a panel of justices specially selected for their qualifications for dealing with juvenile cases, and are to be regulated by rules made by the Lord Chancellor.

Juvenile courts for the City of London shall be constituted and sit at such place or places as the Court of the Lord Mayor and Aldermen from time to time determine.

A juvenile court may sit on any day for hearing and determining a charge against a child or young person in respect of an indictable offence.

No person shall be present at any sitting of a juvenile court, except—

- (a) Members and officers of the court.
- (b) Parties to the case before the court and their solicitors and counsel, witnesses and other persons directly concerned in that case.
- (c) *Bona fide* representatives of newspapers or news agencies.
- (d) Such other persons as the court may specially authorize to be present.

Juvenile courts will now be able to deal with persons under 17 instead of under 16, and provisions are made with respect to remands and bail.

JUVENILES IN NEED OF CARE OR PROTECTION AND JUVENILE OFFENDERS. Children and young persons who require care or protection, or who have committed offences, are dealt with in Part II in substitution for Part V of the 1908 Act.

"Poor Law authority" is defined in Sec. 84 as "the council of a county or county borough, or a joint committee established under Sec. 3 of the Poor Law Act, 1930." No provisions for administration are inserted, and the council must fall back upon its general powers in Sec. 22 of the Municipal Corporations Act, 1882, and Sec. 2 of the Local Government Act, 1888.

"Local Authorities" means—

(a) As respects children, the local education authorities for elementary education; and

(b) As respects other persons, councils of counties and county boroughs.

Provided that—

1. Where a person previously ordered to be sent to an approved school or committed to the care of a fit person attains the age of 14, he is not transferred from the control of the elementary education authority to that of the county or county borough council.

2. Where a district council has relinquished its powers to the county council, the county council will be regarded as the elementary education authority.

3. Arrangements may be made (either by agreement or by the Secretary of State on application) for the exercise of functions by the county council.

4. By Sec. 80 the functions will be exercised in the City of London by the Common Council, except the granting of licences for children to take part in entertainments, which are powers and duties of the London County Council in their capacity as local education authority for elementary education.

Under Sec. 58 of the Children Act, 1908, it was the function of the police authority to take steps for the protection of juveniles.

Under Sec. 9 of the 1932 Act, poor law authorities, local authorities, or authorized persons (e.g. the Royal Society for the Prevention of Cruelty to Children) may bring a child or young person before a juvenile court.

Refractory children maintained in or boarded out from a school or other institution are dealt with in Sec. 11.

PRINCIPLES RESPECTING JUVENILE OFFENCES. Notice of intention to bring a child before a court has to be given to (i) the probation officer, and (ii) the local authority. Under Sec. 20 (1)

this will not be necessary where a local or poor law authority proposes to bring him before a court.

The court may either—

- (a) Order him to be sent to an approved school; or
 - (b) Commit him to the care of any fit person, whether a relative or not who is willing to undertake the care of him; or
 - (c) Order his parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
 - (d) Without making any other order, or in addition to making any order under either of the two last preceding paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.
- "Authorized person" in Sec. 9 of the Act, "means any officer of a society which is authorized by general or special order of the Secretary of State to institute proceedings under this section, and any person who is himself so authorized."

Power is given—

- (a) by Sec. 10 of the Act to a parent or guardian; and
 - (b) by Sec. 11 to a poor law authority,
- who may bring a child or young person who is refractory before a juvenile court with a view to him being sent to an approved school.

EFFECT OF SUPERVISION ORDER. Where a court makes an order placing a child or young person under the supervision of a probation officer or of some other person, that officer or person shall, in accordance with Sec. 13, while the order remains in force—

- (a) Visit, advise, and befriend him; and
- (b) When necessary, endeavour to find him suitable employment; and
- (c) May, if it appears to his interests so to do, at any time while the order remains in force, and he is under the age of 17, bring him before a juvenile court; and

(d) That court may, if they think that it is desirable in his interests so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

The main changes are—

(1) That the juvenile court shall have jurisdiction to deal with all cases of neglect up to the age of 17, instead of 14 as at present;

(2) That an ordinary court by which a person has been convicted of cruelty or any of various sexual offences against a child or young person may direct that the child shall be brought before a juvenile court as needing care or protection; and

(3) That it is the *duty* of the local education authority,

instead of the police, to bring neglected children before a juvenile court, unless they are satisfied that proceedings are undesirable in the interest of the child or some of the persons taking the proceedings.

JUVENILE OFFENDERS. In regard to young offenders, the 1932 Act

(a) Abolishes the right of the parent or guardian of a child to elect that the child shall be committed for trial by jury; and

(b) Retains the general power of courts of summary jurisdiction to punish by whipping any male child convicted summarily of any indictable offence (Sec. 15 (2).)

Where a child or young person is tried by a court which is not a juvenile court, there is power to send the case to a juvenile court to decide what method of treatment should be applied.

The provisions of the Children Act, 1908, Sec. 103, etc., are re-enacted as follows in the 1932 Act—

1. A court of summary jurisdiction before whom a child is charged with an indictable offence other than homicide may deal with him summarily. (Sec. 15.)

2. A court of summary jurisdiction before whom a young person is charged with an indictable offence may with his consent and if they consider it expedient so to do, deal with him summarily. (Sec. 16.)

3. Additional powers of any court with respect to a child or young person found guilty of an offence punishable in the case of an adult with imprisonment include power

(a) To order him to be sent to an approved school;

(b) To commit him to the care of a fit person, whether a relative or not, who is willing to undertake to care for him. (Sec. 17.)

4. Any court by or before whom a child or young person is found guilty of an offence other than homicide, may, if they think fit, remit the case to a juvenile court. (Sec. 18.)

5. No child under the age of eight can be guilty of an offence. (Sec. 19.)

6. Sentence of death shall not be pronounced against any person under the age of 18 years. (Sec. 19.)

7. Principles are laid down which must be observed by courts in dealing with children and young persons. (Sec. 21.)

8. The words "conviction" and "sentence" shall cease to be used in relation to children and young persons dealt with summarily. (Sec. 22.)

9. The minimum age for committal to an approved school is not less than 10 years. (Sec. 23.)

The local authority (for children under 14 the local education

authority for elementary education, and for older persons the council of a county or county borough) shall furnish information about the home surroundings, school record, health and character of children, and young persons brought up either as offenders or as needing care or protection.

JUVENILES COMMITTED TO CARE OF A FIT PERSON. Sects. 24 and 25 of the 1932 Act make provision as to orders committing children and young persons to the care of a fit person.

Power is also given by this Act to commit a child or young person to the care of the local authority.

Power is further given to commit any child or young person to the care of the Minister of Pensions under Sec. 9 of the War Pensions Act, 1918.

Consideration shall be had to the religious persuasion of the person to whom the child or young person is committed.

The Act provides that in future children under 10 shall not as a rule be sent to industrial schools, and gives the courts power to commit these younger children to the care of the local education authority, who will be responsible for boarding them out with suitable foster parents.

Under Sec. 25 (2) the Home Secretary may cause inspectors to visit such children, and make rules regarding the persons with whom they may be boarded out. The local authority may, however, apply to a juvenile court to have the child sent to an approved school, and receive a Government grant in aid of this expenditure.

APPROVED SCHOOLS. The 1932 Act repeals Part IV, Reformatory and Industrial Schools, of the 1908 Act, and provides that, instead of the distinction between reformatory and industrial schools, there shall be one group of schools known as "approved schools," which are to be classified by the Secretary of State. It is now provided that the normal period of detention in an approved school shall be three years, but that children sent to an approved school before reaching the age of 11 may be detained until they reach school-leaving age. In the case of young persons it will also be three years, but not in any case till beyond the age of 19. The Home Secretary will be empowered to order a further detention for six months for vocational training.

By Sec. 28 (6), an order for sending a child or young person to an approved school made on the application of a poor law authority will state that it is so made. By Sec. 28 (7) it will also state whether the local or poor law authority is responsible for conveying the child or young person to the school. In the latter case he must be conveyed at the expense of the poor law authority. The person conveying a person to an approved school will

have the powers protection, and privileges of a constable. (First Schedule, par. 19.)

Sections 31 to 34 deal with the recovery of the expenses of maintenance of a child or young person in an approved school.

Under Sec. 31, the parents or step-parents of a child or young person sent to an approved school or committed to the care of a person must contribute towards the cost of his maintenance. Further provisions for enforcement are contained in Sec. 32, but do not apply where the approved school order is made on the application of a poor law authority.

Local authorities specified in approved school orders must contribute in accordance with Sec. 35. But this does not apply where the order is made (a) on the application of a poor law authority in its capacity as such; (b) by reason of the commission of an offence under Sec. 118 of the Children Act, 1908.

Under Sec. 44, a local authority may, with the approval of the Secretary of State undertake, or contribute to, the provision of an approved school.

The sending of the child or young person to an approved school will not affect any order made under Sect. 19 of the Poor Law Act, 1930, or the power of the poor law authority to obtain one, and for the purpose of the law relating to affiliation orders he will be regarded as still in receipt of relief (Sec. 33 (4)). By Sec. 35 (5), the poor law authority will make such contributions to the managers of the school as the Secretary of State may determine to be reasonable.

By Sec. 73, a local or poor law authority may institute proceedings under Part II of the Children Act, 1908, for any offence in relation to a child or young person.

Expenses incurred under this Act by the council of a county or county borough as poor law authority are to be regarded as expenses of administering the Poor Law Act, 1930. (See Sec. 79 (4) (a).)

REMAND HOMES. Sec. 38 of the 1932 Act supersedes Sec. 108 of the Children Act, 1908, and imposes on the councils of counties and county boroughs the duty of providing remand homes, either within or without the area, and for that purpose they may arrange with the occupiers of any premises for the use thereof. A child or young person who escapes from a remand home is dealt with in accordance with Sec. 39. This applies also to a child or young person who runs away from persons with whom a child or young person has been boarded out or to whose care he has been committed.

VOLUNTARY HOMES. Part III provides for the registration and inspection of voluntary homes. Local authorities are not affected, except that under Sec. 47 (2) the Secretary of State may, with

the consent of the council of any county, county borough, or county district, appoint officers of that council to conduct on his behalf inspections of voluntary homes registered under the Act.

EMPLOYMENT. To regulate the employment of children, by-laws may be made by local authorities under Secs. 48 and 49 of the 1932 Act.

Street trading by-laws may be made under Sec. 51.

Contraventions are provided for by Sec. 52, and the method of making and confirming by-laws by Sec. 54. By Sec. 55, restrictions are placed on children taking part in entertainments except as therein provided, but under Sec. 56 a local authority may grant licences subject to restrictions and conditions laid down by the Board of Education. Licences for training juveniles to take part in or being trained for dangerous performances under Sec. 58 will, however, be granted by petty sessional courts. Powers of entry to prevent breaches of by-laws are given by Sec. 59.

Section 61 re-enacts the substance of the Dangerous Performances Acts, 1879 and 1897. Sec. 64 makes various minor amendments of the Children (Employment Abroad) Act, 1913.

The provisions are set out in the chapter on Education.

PART I OF THE ACT OF 1908. INFANT LIFE PROTECTION. (1) *Local Authority* is the County or County Borough Council acting through the Health Committee.

(2) Local authority appoint Infant Protection Visitors, and in addition or in lieu thereof may authorize persons, of either sex, to exercise the powers voluntarily.

(3) Persons receiving one or more infants under the age of seven years to nurse for reward are required to give notice to local authority within forty-eight hours.

Penalty for not giving notice—

(a) Imprisonment not exceeding six months, or fine not exceeding £25.

(b) Forfeiture of lump sum (if any) paid, or such less sum as court may deem just.

Such person has no insurable interest in the life of a child under the Assurance Companies Acts.

(4) *The Central Administration* of this part (Infant Life Protection) of the Act was handed over to the Ministry of Health by Order in Council as from 1st July, 1919.

PART II OF THE ACT OF 1908, PREVENTION OF CRUELTY TO CHILDREN AND YOUNG PERSONS, has been amended by Second Schedule of the 1932 Act.

(1) *Punishment for—*

(a) Cruelty to children and young persons under the age of 16 years.

(b) Suffocation of infants by person who has attained the age of 16 years.

(c) Other offences in relation to any child or young person under the age of 16 years, including—

(i) Causing them to beg.

(ii) Exposing children to risk of burning.

(iii) Allows in brothels child who has attained the age of four and is under 16 years.

(iv) Causing, encouraging or favouring the seduction or prostitution or carnal knowledge of a girl under the age of sixteen years.

(3) *Power* conferred on constables to take any person into custody who commits an offence under this Part of the Act.

(4) Elaborate provisions respecting Evidence and Procedure are contained in Secs. 27 to 32 of the 1908 Act as amended by the Second Schedule of the 1932 Act.

PART III OF THE 1908 ACT. JUVENILE SMOKING.

(1) *Penalty* on selling cigarettes or cigarette paper to a person apparently under the age of sixteen, whether for his own use or not.

(2) *Duty* of a constable or park-keeper in uniform to seize cigarettes or cigarette paper in the possession of persons apparently under the age of 16, whom he finds smoking.

(3) *Power* to court of summary jurisdiction to order automatic machine for the sale of cigarettes to be removed if extensively used by persons apparently under the age of 16.

Sections 65 to 69 amend Secs. 1 and 4 of the Children Act, 1908; provide for notice of maintenance agreements being given to local authorities; give powers to local authorities to prevent overcrowding; enable local authorities to obtain orders of removal from unsuitable premises or unsuitable persons; and exempt institutions maintained by local authorities from Part I of the Act of 1908.

FINANCE. Section 86 of the 1932 Act provides—

1. There shall be paid out of money provided by Parliament—

(i) Such sums on such conditions as the Secretary of State with the approval of the Treasury may recommend towards—

(a) The expenses of the managers of an approved school.

(b) The expenses of a local authority in respect of children and young persons committed to their care.

(c) The expenses of a council of a county or county borough in respect of children and young persons in remand homes established and maintained by them either alone or jointly with any other council.

(ii) Any sums by which any education grants under any other Act are increased by reason of the additional powers

and duties conferred or imposed by this Act upon local authorities for elementary education.

PART VI OF THE 1908 ACT. MISCELLANEOUS AND GENERAL.

(1) *Prohibiting*—

(a) Children from being present in court during the trial of other persons. (Sec. 115.)

(b) The purchase of old metal from any person apparently under sixteen years of age. (Sec. 116.)

(c) The taking of pawns from children under fourteen years; in London and Liverpool under sixteen years of age. (Sec. 117.)

(d) Vagrants from preventing children who have attained the age of five years receiving education. (Sec. 118.)

(e) The giving of intoxicating liquors (except for medicinal purposes or urgent cause) to children under the age of five years. (Sec. 119.)

(f) Children from being allowed in the bar of licensed premises, except during the hours of closing. (Sec. 120.)

(2) *Providing for*—

(a) The clearing of a court during children's evidence. (Sec. 114.)

(b) Cleansing of verminous children under order of local education authority. (Sec. 122.)

OTHER ACTS OF PARLIAMENT AFFECTING CHILDREN

1. THE PROBATION OF OFFENDERS ACT, 1907, enables magistrates and judges in suitable cases, instead of inflicting punishment, to release offenders on probation and place them under the supervision of Probation Officers.

2. THE PREVENTION OF CRIMES ACT, 1908, has for its objects (1) the reformation of young offenders, and (2) the prolongative detention of habitual criminals. The first object is attained by the establishment of Borstal Institutions for young offenders over 16 and under 21 years of age.

3. THE CRIMINAL JUSTICE ACT, 1925, Part I, extends the provisions respecting Probation of Offenders by providing for the appointment of probation officers for every probation area being a petty sessional division and for the appointment of probation committees for every probation area.

4. THE LEGITIMACY ACT, 1926, provides that illegitimate children become legitimate on the marriage of parents, except where one of the parents was married to a third party at the time of the child's birth. An illegitimate person is now allowed to take interest in the estate of a person dying intestate.

5. THE ADOPTION OF CHILDREN ACT, 1926, legalizes the adoption of children by persons over twenty-five in whom are vested all the rights, duties, and liabilities of a lawful parent.

SECTION VI

Public Assistance

CHAPTER XXII

PUBLIC ASSISTANCE

1. THE NECESSITY FOR THE POOR LAW arose as a result of the abolition of the monasteries by Henry VIII, a series of bad harvests, and a debased coinage. The early Poor Law aimed just as much at suppressing vagabondage as at relieving distress. In making provision for the latter, it endeavoured to remove any excuse for the former.

REFORM OF THE POOR LAWS

(Reforms which have been carried out are indicated by *.)

Until 1st April, 1930, the Poor Laws were administered by Boards of Guardians in accordance with the Poor Law Amendment Act, 1834.

1. ROYAL COMMISSION on the Poor Laws and Relief of Distress was appointed 4th December, 1905, to inquire—

(1) Into the working of the laws relating to the relief of poor persons in the United Kingdom;

(2) Into the various means which have been adopted outside of the Poor Laws for meeting distress arising from want of employment, particularly during periods of severe industrial depression.

There were two reports under date 4th February, 1909, viz.—

(1) Majority Report, signed by 14 members.

(2) Minority Report, signed by 4 members.

2. THE CHIEF REASONS FOR REFORM, as stated in the Reports, were—

(1) Pauperism is as rife as it was forty years ago.

(2) Expenditure on Poor Relief has grown out of all proportion to the number relieved.

(3) The calibre and ability of the average guardian is not high enough through lack of interest in elections.

(4) Consequently business is mismanaged, and a great deal of distress is left untouched by the Poor Law.

(5) The Union bears no definite relation to the areas of other authorities who now perform functions which overlap the work of the Guardians.

3. UNANIMOUS RECOMMENDATIONS—

- * (1) Abolition of Boards of Guardians.
- * (2) Enlargement of the area of administration from the Union to the County and County Borough.
- * (3) Classified Institutions instead of the General Mixed Workhouse.
- (4) Charitable Aid to be organized.
- * (5) Improved Administration of Out Relief.
- * (6) Old Age Pensions.
- * (7) Children to be removed from Workhouses.
- * (8) Labour Exchanges (now Employment Exchanges) to be established.
- * (9) State Insurance against Sickness and Unemployment.
- * (10) Central Control to be extended and number of higher officials to be increased.
- * (11) Discontinuance of Unemployed Workmen Act, 1905.

4. MAJORITY RECOMMENDATIONS (not included in above)—

- * (1) Public Assistance Authorities instead of Boards of Guardians, viz., Committees of County or County Borough for administration purposes.
- * (2) Public Assistance Committees to be partly nominated by Urban and Rural District Councils and Voluntary Aid Councils to deal with applicants.
- (3) Voluntary Aid Councils and Voluntary Aid Committees to act as intermediaries between public assistance and charity.
- (4) County and Local Medical Assistance Committees to provide medical relief on a provident basis.
- * (5) Institutional Treatment to be curative and restorative, with periodical revision of cases.
- * (6) Outdoor Relief to be adequate to needs, subject to careful supervision and case paper system to be adopted.
- (7) Public Assistance Service to be established with qualifying examinations for higher positions.

5. MINORITY RECOMMENDATIONS (not included in above)—

- (1) Non-able-bodied to be dealt with by existing committees of the County and County Borough Councils, viz.—
 - ¹ (a) Education Committee : Children of school age.
 - ¹ (b) Health Committee : Sick and permanently incapacitated ; infants under school age ; aged needing institutional care.
 - ¹ (c) Asylums Committee : Mentally defective of all grades and ages.
 - (d) Pensions Committee : Aged to whom pensions are awarded.

¹ This merger is authorized by the Local Government Act, 1929, but it rests with the local authorities to determine whether it shall be carried out.

These Committees to be supervised by the appropriate Government Departments.

(2) Able-bodied to be dealt with by an authority charged only with this specific duty.

*(3) Unemployment to be under the control of a Minister for Labour charged with the duties previously referred to.

(4) The training of unemployed and control of parliamentary funds for national schemes, including afforestation.

In the Labour Government, 1929, Mr. J. H. Thomas was appointed Lord Privy Seal with the duty of dealing with the problem of Unemployment.

(5) Registrars of Public Assistance to be appointed for local areas to prevent overlapping.

6. THE COUNTY COUNCILS ASSOCIATION, in 1911, devised a scheme of County Poor Law Committees, constituted by the County Councils, with subordinate District Poor Law Boards. This scheme was approved by almost all the signatories of both the Majority and Minority Reports of the Royal Commission.

7. THE LOCAL GOVERNMENT COMMITTEE (the Maclean Committee) appointed by the Ministry of Reconstruction, reported in January, 1918, and recommended the abolition of Boards of Guardians and the Poor Law Unions and the transference of their functions to the County Councils and County Borough Councils. On the 27th May, 1925, the House of Commons resolved that legislation on the lines of the Maclean Report should be passed, including "a complete absorption of the existing Poor Law authorities and their functions in the county, borough, and district councils."

8. GOVERNMENT PROPOSALS were issued in December, 1925. The objects which it was sought to attain were briefly—

(1) The co-ordination and improvement of the provision for the prevention and treatment of ill-health, both institutionally and otherwise, and the inclusion in this provision of all public assistance required for sickness, accident, and infirmity.

In county boroughs a complete unification of the health services can be secured, and as regards administrative counties there was contemplated a concentration in the county council of a general responsibility for the administration of health services in the hands of borough and district councils acting within the county.

(2) The co-ordination of all forms of public assistance, and especially an improved correlation between Poor Law relief and unemployment benefit.

(3) The decentralization of the responsibility at present falling on the Minister of Health.

(4) The simplification of the financial relations between the Ministry and the local authorities and the freeing of the local

authorities from the financial restrictions in matters of detail, which are a necessary concomitant of the present system.

(5) The correction of certain anomalies of historic origin, such as the association of the registration service (births, deaths and marriages) with the provision for the relief of the poor.

Amended proposals were issued by the Government on the 5th June, 1927.

LOCAL GOVERNMENT ACT, 1929

The Local Government Act, 1929, Part I, as from 1st April, 1930, provided for the—

- (1) Abolition of Boards of Guardians.
- (2) Transfer of powers and duties to—
 - (a) County Borough Councils; and
 - (b) County Councils for remainder of county under a scheme to be submitted to the Minister of Health.
- (3) PUBLIC ASSISTANCE COMMITTEES constituted by Councils of Counties and County Boroughs to carry out functions—
 - (a) May be either a new or an existing committee of the council.
 - (b) A minority of members to be co-opted, including women.
 - (c) Administration of the Poor Law in the area will be in the hands of this committee.
 - (d) Duties may be carried out, wholly or in part, by existing committees of the local authority.
- (4) GUARDIANS' COMMITTEES and Sub-committees in county areas consisting of 12–36 members, including—
 - (a) Members of the Councils of the Districts; and
 - (b) Local members of County Councils; and
 - (c) One-third appointed by County Council from persons not being elected members of the County Council and including women as well as men.
- (5) Duties of Guardians Committees may include—
 - (i) The consideration and examination of applications for relief;
 - (ii) The determination of the nature and amount of the relief to be given to such applicants;
 - (iii) The determination of the amount, if any, to be paid by any recipient of relief, or the persons liable for his maintenance towards reimbursing the council the amount expended by them on relief;
 - (iv) The visiting inspection or management, if the public assistance committee so request, of any poor law institutions in the area for which the guardians committee is appointed, so, however, that the functions to be delegated shall not include the appointment or dismissal of any officer.

(6) Repeal of Unemployed Workmen Act, 1905, as from 1st April, 1930.

(7) Disqualification due to relief extends to members of county councils, county borough councils, public assistance committees and its sub-committees.

(8) Children Act, 1908, Part I, shall be discharged by—

(a) County borough councils, and

(b) County councils or

(c) District councils having a Maternity and Child Welfare Committee, as functions under the Maternity and Child Welfare Act, 1918.

(9) Vaccination duties shall be discharged by councils of counties and county boroughs as functions relating to public health.

(10) ALTERNATIVE POWERS OF GIVING ASSISTANCE may be provided in an administrative scheme whereby any assistance which may be provided either by way of poor relief or by virtue of any of the following Acts as amended by any subsequent enactment—

(a) The Public Health Act, 1875;

(b) The Local Government Act, 1888;

(c) The Mental Deficiency Act, 1913;

(d) The Maternity and Child Welfare Act, 1918;

(e) The Blind Persons Act, 1920;

(f) The Public Health (Tuberculosis) Act, 1921;

(g) The Education Act, 1921,

shall be provided exclusively by virtue of the appropriate Act and not by way of poor relief.

It rests with the local authorities, however, to determine whether this shall be carried out.

The administration is uniform and the statutes are the least permissive of any Local Government law.

The central authority is the Minister of Health.

3. REGISTRATION. The Local Government Act, 1929, Part II, provides that the functions of Boards of Guardians under the Registration Acts shall be transferred to County Councils and County Borough Councils. All new appointments are to be salaried, and existing officers have right to be salaried. Minister may by Order increase fees by 50 per cent. New scheme was to operate as from 1st April, 1932.

THE POOR LAW ACT, 1930

THE POOR LAW ACT, 1930, is a consolidating Act of 246 Sections, embracing the whole of poor law administration. It has been passed to incorporate the provisions of the Poor Law Consolidation Act, 1927, with the Local Government Act, 1929, Part I.

1. It is divided into the following parts—

- Part I. Central and Local Administration.
- Part II. Relief of the Poor.
- Part III. Irremovability, Settlement, and Removal.
- Part IV. Financial Provisions.
- Part V. Acquisition and Disposal of Property.
- Part VI. London.
- Part VII. Central Administration.
- Part VIII. General.

2. PRINCIPLES OF POOR RELIEF under the Poor Relief Act, 1601, and the Poor Law Acts Amendment Act, 1834, as incorporated in the Poor Law Consolidation Act, 1930, supplemented by the Public Assistance Order, 1930, the Relief Regulation Order, 1930, the Public Assistance Accounts (County Councils) Regulations, 1930, the Accounts (Boroughs and Metropolitan Boroughs) Regulations, 1930, the Poor Law Institutions (Mental Defectives) Order, 1917, and the Casual Poor Relief Order, 1931.

By the Public Assistance Order, 1930, all Rules, Orders, and Regulations relating to the relief of the poor, whether general or special, save those set out above, are rescinded, and the above Orders, therefore, constitute the new Poor Law Code operating from 1st April, 1930.

(1) *Relief* by the State for its own protection and as a remedy against the evils of destitution.

Destitution implies that a subject is for the time being without material resources directly available and appropriate for satisfying his physical needs, whether actually existing or likely to arise immediately. By physical needs are meant such needs as must be satisfied in order to maintain life, or in order to obviate, mitigate or remove causes endangering life or likely to endanger life or impair health or bodily fitness for self-support.

(2) *Repression*, by making the relief repulsive to the moral sense, and severe in the treatment of the idle, immoral, and vicious.

(3) *Remedial* provision of means to rear, educate and train children who are without proper protection and care.

3. SETTLEMENT is the basis for claim for relief. It may be based upon birth, parentage, marriage, ownership, occupation of property, apprenticeship, or residence.

4. METHOD OF RELIEF is indoor, outdoor, or medical relief.

(1) *Indoor or Institutional Relief* is maintenance supplied in accordance with the Poor Law Institutions Order, 1913, in an institution such as,

- (a) General Workhouses or Institutions.
- (b) Workhouse Infirmaries or Institution Infirmaries.

- (c) District Sick Asylums.
- (d) Homes for Aged Poor.
- (e) Casual Wards.
- (f) District or separate Schools.
- (g) Scattered Homes.
- (h) Cottage Homes.
- (i) Boarding out of Children.
- (j) Special or Joint Institutions.

(2) *Outdoor Relief or Domiciliary Aliment* is maintenance wholly or in part by means of an allowance in accordance with the Relief Regulation Order, 1930.

(3) *Medical Relief* is all medical and surgical attendance, and all matters and things supplied by or on the recommendation of the medical officer.

5. OFFICERS, the number and remuneration of the Senior of whom require the approval of the Minister of Health, include—

(1) Clerk—who is usually the Clerk of the County or County Borough.

(2) Treasurer—who is usually the County or Borough Treasurer.

(3) Master and Matron of the Workhouse.

(4) Relieving Officers.

(5) Medical Officers.

(6) Such other officers as the Public Assistance Authority think necessary.

6. EXPENSES are collected as part of the General Rate.

7. LOANS are repayable within a period of not exceeding sixty years.

8. ACCOUNTS are made up yearly to 31st March, in accordance with the Audit (Local Authorities) Act, 1922, the Public Assistance Accounts (County Councils) Regulations, 1930, and the Accounts (Borough and Metropolitan Boroughs) Regulations, 1930. They are subject to audit by the District Auditor of the Ministry of Health.

9. RIGHTS OF ELECTORS. The yearly statement may be inspected, examined, and copied by any ratepayer who, at any other reasonable time, may inspect the books upon payment of sixpence.

CHAPTER XXIII

MENTAL TREATMENT

THE CLASSES of persons who come within the Lunacy Acts, 1890 to 1922, and the Mental Treatment Act, 1930, include those who are of unsound mind or mentally infirm.

The classes of persons who are mentally defective and are defectives within the meaning of the Mentally Deficiency Act, 1913, are those persons whom two medical men are prepared to certify as coming within the definitions laid down for idiots, imbeciles, feeble-minded persons, and moral imbeciles. The Act came into operation on 1st April, 1914.

Mental Treatment Rules were issued in 1930.

THE MENTAL DEFICIENCY ACT, 1927, provides for the amendment and alteration of the definition of "defectives" in the Act of 1913, under which only persons mentally defective from birth or early age come within its scope. There was thus no power to deal with cases where the defectiveness arose at a later stage, which might particularly need the sort of care and treatment which can be provided in a mental deficiency colony.

The Act brings within its scope of treatment all cases of "mental deficiency," whether innate or induced after birth by disease, injury, or other causes. Others who will come in are those not under proper care and control; while the power of local authorities to provide suitable training for mental defectives is made explicit.

THE MENTAL TREATMENT ACT, 1930, continues further the legislation based on the Report of the Royal Commission on Lunacy Law and Administration and Mental Disorder, and is incorporated in the text of this chapter.

THE CENTRAL AUTHORITIES include—

The Lord Chancellor, who is responsible for judicial functions.

The Minister of Health, who is responsible to Parliament for the work of the Board of Control.

The Commissioners in Lunacy, who are now merged in the Board of Control (see below).

A Master in Lunacy, who is assisted by an officer termed the Assistant Master in Lunacy, as provided by the Lunacy Act, 1922, and the Visitors in Lunacy.

THE BOARD OF CONTROL was established by the Mental Deficiency Act, 1913, and reorganized by the Mental Treatment Act, 1930.

The Board of Control consists of the Chairman (who shall be a paid Commissioner), and not more than four other Senior Paid Commissioners, at least one being a woman. Of these, one must be a Legal Commissioner appointed by the Lord Chancellor from amongst barristers or solicitors of five years' standing, and two appointed by the Minister of Health, are Medical Commissioners, who must be duly qualified medical practitioners of at least five years' standing.

The Minister of Health appoints one of the Commissioners to be chairman.

The Board of Control is a Corporate Body, with perpetual succession and a common seal.

The duties of the Board of Control include supervision of the administration by the local authorities; certification and approval of premises; provision and maintenance of State institutions; administration of grants provided by Parliament; and such other powers and duties of the Board as may be assigned, including the preparation of annual and other reports.

PERSONS OF UNSOUND MIND, formerly known as lunatics, are detained in—

- (a) County and borough mental hospitals.
- (b) Registered hospitals receiving persons of unsound mind.
- (c) Houses licensed for the purpose.
- (d) State institutions, viz.—

- (i) Criminal mental hospitals.
- (ii) Royal Military and Naval hospitals.
- (iii) Institutions of the Board of Control.

(e) Public Assistance institutions, in which there are any persons of unsound mind, imbeciles, or idiots.

(f) Houses scattered over the country providing for single patients.

THE LOCAL AUTHORITY is (generally) the Council of the County or County Borough, who must provide accommodation for their rate-aided patients of unsound mind. The local authority are required to appoint the Committee for the Care of the Mentally Defective for the purposes of the Mental Deficiency Act, 1927. This Committee is to consist of members of the Council, or other persons having special knowledge and experience with respect to the care, control, and treatment of defectives. The number of members of the Committee is determined by the Council, not being less than seven (Act, 1930), but some must be women, and the majority must be members of the Council.

VISITING OR ASYLUMS COMMITTEE. This Committee is to consist of not less than seven members (Act, 1930), and appointed by the local authority interested, and its members are known as

visitors. The duties include the management of the mental hospital, the making of rules and regulations for its government, and the appointment and dismissal of officers, including: (i) Chaplain, (ii) Medical Officer, (iii) Superintendent, (iv) Clerk, (v) Treasurer.

When a local authority has appointed one or more Visiting or Asylum Committees, then, if the Council of the authority so determines, either the Visiting or Mental Hospital Committee (with the addition of at least two women) may act as the Committee for the care of the Mentally Defective, or, alternatively, the Visiting or Mental Hospital Committee (without addition) may represent the Council on the Committee for the care of the mentally defective.

The powers of the local authority under the Act (except the power of raising a rate or borrowing money) may stand referred to the Committee.

The Lancashire Mental Hospitals Board is the local authority for the area of the Board, and the provisions of the Lancashire County (Lunatic Asylums and other Powers) Act, 1891, as to expenses, borrowing, accounts, and audit apply accordingly.

Joint Committees or Joint Boards may be constituted with the approval of the Minister of Health.

DUTIES OF LOCAL AUTHORITY. The first duty of a local authority is to ascertain which persons within their area are defectives, and subject to be dealt with under Sec. 2 (1) (b) of the Act; that is to say—

1. Defectives who are found neglected, abandoned, and without visible means of support, or cruelly treated.
2. Defectives found guilty of crime or found liable to be ordered to be sent to an approved school.
3. Habitual drunkards.
4. Children notified by the education authorities as incapable of receiving benefit in a special school or without detriment to other children.

The Mental Deficiency (Amendment) Act, 1925, amends Sec. 7 of the Mental Deficiency Act, 1913, for the purpose of enabling a defective to be removed from an institution for the purpose of being placed under guardianship.

Arrangements may be made with another authority, or a joint mental hospital may be maintained. The local authority may provide accommodation for persons of unsound mind of the private class.

Power is given by the Mental Treatment Act, 1930, for any person who is desirous of voluntarily submitting himself to treatment for mental illness to make a written application to the person in charge of an institution. Power is also given by the

same Act to lodge relatives and friends of patients. Persons may also be received for temporary treatment without certification.

FINANCE. In order to meet the cost of the work under these Acts, provision is made in the new block grant under the Local Government Act, 1929. In addition to this, Parliament contributes further amounts for criminals and towards expenses of societies for assisting and supervising defectives while not in institutions. Contributions may be received from patients or their relatives.

THE EXPENSES of local authorities are in so far as not met out of patients' contributions or State Grants as described above, defrayed under the principal Act, or the 1930 Act, as under: (a) in the case of a County Council not comprising the area of any local authority, as expenses for general county purposes; (b) in the case of other County Councils, as expenses for special county purposes; (c) in the case of any other local authority, out of the General Rate Fund. A Justices' Order may be obtained to secure the funds and take the rents of the property of a rate-aided patient towards the expenses of maintenance. Under the principal Act money in the bank may be obtained without an Order.

LOANS. Money may be borrowed for approved purposes over a period not exceeding sixty years, subject to the consent of the Minister of Health.

ACCOUNTS. Separate accounts must be kept by the local authorities, made up to the 31st March.

ANNUAL RETURNS have to be made to the Board of Control, which necessitates the division of the accounts into—

1. Asylum Maintenance Account.
2. Building and Repairs Fund Account.
3. Farming and Gardening Account.

AUDIT. Accounts are subject to audit by the District Auditor of the Ministry of Health, except in the case of boroughs.

STERILIZATION OF MENTALLY DEFECTIVES. In June, 1932, the Minister of Health appointed a Committee under the Chairmanship of Mr. Lawrence G. Brock: To examine and report on the information already available regarding the hereditary transmission and other causes of mental disorder and deficiency; to consider the value of sterilization as a preventive measure having regard to its physical, psychological and social effects, and to the experience of legislature in other countries permitting it; and to suggest what further inquiries might usefully be undertaken in this connection.

CHAPTER XXIV

UNEMPLOYMENT

INTRODUCTION

THE unemployment situation has not arisen suddenly, nor is it peculiar to this country. In 1907-8, unemployment in some of the heavy industries reached figures comparable with those with which we are familiar, and was experienced in most trades. After the War there was a trade "boom," but in 1921 there succeeded an intense industrial depression, affecting all industries at first, and continuing, with fluctuations, in several important industries up to the present time.

In one month only since 1921, viz. April, 1926, has the daily number of unemployed persons been below a million.

CAUSES OF UNEMPLOYMENT fall into three main groups—

- (i) Those which spring from the organization of industry;
- (ii) Failures in industrial relations;
- (iii) Personal causes of unemployment.

It is extremely difficult to present an impartial picture of the causes of unemployment, but, as a Blue Book, there was issued, in May, 1909, in connection with the Royal Commission on the Poor Laws and Relief of Distress, an interesting report. The document embraces the results of inquiry made by Mr. (now Sir) A. D. Steel Maitland and Miss Rose Squire (His Majesty's Inspector of Factories) on the relation of industrial and sanitary conditions to pauperism, together with a memorandum on certain other points connected with the Poor Law system and its administration.

THE POOR LAWS AND UNEMPLOYMENT.

It is important to observe that the earliest laws for the relief of the poor made a clear cut distinction between the impotent and able-bodied, and provided a different form of treatment for each. The impotent had to be relieved, but the able-bodied had to be set to work upon stocks of material provided by the parochial authority for that purpose. The first workhouse was a factory for the destitute unemployed—hence its name. The test of destitution was the offer of the workhouse. From this developed the labour test, *i.e.* the performance of a task by the able-bodied as a necessary condition of relief. The abolition of this test, towards the end of the eighteenth century, was responsible for the worst period of demoralization which this country has known.

THE UNEMPLOYED WORKMEN ACT, 1905.

This Act provided for the establishment of Distress Committees in every Metropolitan Borough and in provincial Boroughs and Urban Districts with a population of not less than 50,000, and also for a Central Body for the County of London.

The economic effects of the Act were widely criticized. Publicly provided work was more easily found than normal employment, and search for the latter was hindered. The Act was good in principle—to meet temporary distress—but it was denounced by the Royal Commission on the Poor Laws set up in 1905 and was ultimately repealed by the Local Government Act, 1929.

EMPLOYMENT EXCHANGES.

The Royal Commission on the Poor Laws also unanimously recommended the establishment of Labour Exchanges under national control, together with State Insurance against unemployment. The Minority Report advocated a scheme on the Ghent System, under which the trade unions would be subsidized to undertake the work. The Labour Exchanges Act, 1909, set up a system which was a compromise between the general scheme of the Majority and the Minority proposals.

THE UNEMPLOYMENT INSURANCE ACTS.

A compulsory system of insurance against unemployment constituted Part II of the National Insurance Act, 1911. It applied originally to a limited number of industries, but the conditions of benefit and other regulations were amended from time to time. The previous legislation was consolidated by the Unemployment Insurance Act, 1920. It has been amended repeatedly to meet the present industrial crisis.

Central Administration. The Acts are administered by the Ministry of Labour through the Employment Exchanges.

Insured Persons. Insured persons are all persons for whom health insurance contributions have to be paid, except outworkers or persons employed in agriculture (including horticulture and forestry) or in private domestic service. As distinct from health insurance, with certain exceptions, workpeople over 70 (other than old age pensioners) are insurable.

A ROYAL COMMISSION ON UNEMPLOYMENT INSURANCE was appointed late in 1930, under the Chairmanship of His Honour Judge Holman Gregory, to inquire into the provisions and working of the Unemployment Insurance Scheme.

THE FIRST REPORT was issued in June, 1931, and resulted in the passing of the Unemployment Insurance (No. 3) Act, 1931, and the Regulations under the Anomalies Act, 1931.

THE FINAL REPORT was published in November, 1932. It proposes fundamental alterations not only in the administration

of the means test, but also in the administration of the poor law, which will affect local government administration. The Commission recommended that an independent Advisory Commission should be appointed as an advisory body to the Minister. The Commission's proposals are a dual system of insurance and relief.

The Transitional Payments (Determination of Need) Act, 1932, lays down certain rules for the application of the means test for the unemployed. This act continues until 30th June, 1933, and before that date a new Act will presumably be introduced to amend the whole system.

REMEDIAL MEASURES.

The State has endeavoured to deal with the problem along main lines of effort, viz.—

(a) *Safeguarding the home by—*

- (i) Old Age Pensions and Orphans Allowances.
- (ii) National Health Insurance.
- (iii) National Unemployment Insurance.

(b) *Control of home trade—*

- (i) Trade Boards.
 - (ii) Agricultural Wages Regulations Boards
- as provided by the Local Government Act, 1929, Part V, and the Agricultural Rates Act, 1929.

(c) *The stimulation of foreign trade under—*

- (i) The Trade Facilities Acts; and
- (ii) The Export Credit Schemes.

(d) *Relief works, including—*

- (i) The Unemployed Workmen Act, 1905, which was repealed as from the 31st March, 1930, under the Local Government Act, 1929.

- (ii) The Unemployment (Relief Works) Act, 1920.

- (iii) The Unemployment Grants Committee.

- (iv) The speeding up of Government work, e.g. the Forestry Commission, Post Office, War Office, Admiralty, Air Ministry.

- (v) The appointment of Lord Privy Seal as Minister for Unemployment.

- (vi) The Development (Loan Guarantee and Grants) Act, 1929.

- (vii) The Public Works Facilities Act, 1930.

(e) *Transfer of labour—*

- (i) Assisted Emigration.
- (ii) Industrial Transference.

(f) *Rating Relief to distressed trades—*

- (i) The derating of Agricultural Land and Buildings.
- (ii) The partial derating of Industrial and Freight Transport Hereditaments.

MUNICIPAL RELIEF WORKS.

The Unemployed (Relief Works) Act, 1920, was hurriedly passed to facilitate the acquisition of and entry upon land required for works of public utility, viz. roads, bridges, viaducts, waterways, harbours, sewers, waterworks, afforestation, and land drainage or reclamation.

THE UNEMPLOYMENT GRANTS COMMITTEE.

This Committee was constituted by Treasury Minute dated 20th December, 1920, under the chairmanship of the Right Hon. Viscount St. Davids, for the purpose of assisting local authorities in the United Kingdom in carrying out approved schemes of useful work other than work on roads and on housing schemes.

The Committee are instructed in coming to a decision to observe the following general principles—

1. The expenditure is not to exceed a total of £3,000,000.
2. Works will be approved only in areas where the existence of serious unemployment which is not otherwise provided for is certified by the Ministry of Labour.
3. Preference to be given to unemployed ex-service men.
4. The grant must not in any case exceed 30 per cent of the wages bill of additional men taken on for work.
5. The works must be such as are approved by the appropriate Government Department as suitable works of public utility.

The terms of reference were amended as follows—

1. The financial limit of the grants was extended from 30 to 60 per cent of the wages bill.
2. The Committee was authorized to assist (in addition to local authorities)—

(a) Public Bodies ("Public Body" was defined as any Board, Commission, Rating Authority or Trustees or other body or persons who manage or undertake work in pursuance of statutory powers, not being a body trading for profit); and

(b) Through the Local Authority, or Voluntary Agencies.

3. The Committee was empowered to assist roads other than those coming within the Ministry of Transport's schemes for construction or maintenance grants.

The works themselves consist largely of schemes of permanent value to the districts in which they are carried out, such as improvements and extensions of dock and harbour facilities; the execution of water, electricity, gas, and sewerage works; the formation of roads; the provision of parks and recreation grounds, etc.

The rates of grants under the Development Act, 1929, for non-revenue producing schemes financed by way of loan are given as follows—

"Where transferred labour is employed, 75 per cent of the

interest and sinking fund charges on any loan raised to meet expenditure for the first half (up to fifteen years) of the loan period, and $37\frac{1}{2}$ per cent of interest and sinking fund charges for the remainder (up to fifteen years) of the loan period."

"Where transferred labour is not employed, 75 per cent of the interest and sinking fund charges on any loan raised to meet the expenditure for the first half (up to fifteen years) of the loan period. The rates of grant in respect of revenue producing schemes, whether or not transferred labour is employed, viz. normal grant, 50 per cent of the interest of any loan raised to meet expenditure for fifteen years, or for the period of the loan, whichever is the shorter."

PRIME MINISTER'S CONFERENCE WITH LOCAL AUTHORITIES.

In June, 1930, the Prime Minister arranged a Conference between representatives of local authorities and the Ministers of Health and Transport. Statement of policy was made and new conditions outlined. Following the Conference, the new terms and conditions were published in the following documents—

Ministry of Health Circular 1,126 (3rd July, 1930).

Ministry of Transport, No. 334 (Roads).

Unemployment Grants Committee, No. 26.

New rates of grants were fixed as follows, viz.—

1. Schemes financed by way of loans.

(1) Non-revenue producing schemes—

75 per cent of the annual loan charges for the first half of the loan period up to fifteen years.

$37\frac{1}{2}$ per cent for the remainder of the period up to fifteen years.

(2) Revenue-producing schemes—

(a) Normal works—50 per cent of the interest for the loan period, or fifteen years, whichever shorter.

(b) Special works of high economic value and of not less than £100,000 (e.g. docks and waterworks), 100 per cent of interest up to an approved date; 50 per cent thereafter for fifteen years in all.

(c) Special public health works (e.g. rural water supply and baths and washhouses), 100 per cent interest for seven years; 50 per cent thereafter or eight years, whichever shorter.

2. Schemes financed out of revenue.

(1) Abnormal unemployment areas (exceeding 15 per cent), 90 per cent wages of unemployed men engaged.

(2) Other areas, 75 per cent thereof.

EQUATION OF GRANTS.

Local authorities may arrange with the Unemployment Grants Committee to receive equal annual payments over the whole period of the loan equivalent to the normal payments, and in

this way spread the burden of the loan charges equally over the whole period, thus preventing a sudden increase in the annual charges when the grants would normally cease, and when expenditure on repairs and renewals would begin to create an additional burden.

THE PUBLIC WORKS FACILITIES ACT, 1930.

(1) A local authority must prepare a scheme showing all necessary particulars, with plans and detailed estimates, together with a copy of the resolutions making application for the loan necessary to finance the scheme.

(2) The local authority borrows the money in the first instance and receives annual grants towards the yearly charges for annual loan charges.

(3) The scheme must be submitted in duplicate and will state whether the works will be revenue producing or not, the number of men likely to be employed, and for how long.

(4) If the local authority intends to carry out the works by direct labour, they must supply particulars of the rate of wages to be paid and the prevailing rates in the district.

(5) The Ministry of Labour is notified of the application and must certify that unemployment in the district is serious and not otherwise provided for. Grants will not be made for works already in receipt of grants from the Government.

(6) The labour must be recruited from the Employment Exchange and the men released if other work is found for them. The Public Assistance Department may make nominations for men to be taken for the work; 75 per cent of the men must be ex-service men. The local authority may employ up to 10 per cent of the men from their permanent staff for purposes of supervision and control, but no grant will ordinarily be payable for these.

(7) The rate of wages must not exceed the rate paid by the local authority to its own men on similar work or the recognized district rate, whichever is lower.

(8) It is a condition of all unemployment grants that all contracts and orders for materials incidental to the works shall be placed in the United Kingdom, subject to such exceptions as may be allowed.

The National Economy Act, 1931, has restricted the activities of both Government Departments and local authorities.

SECTION VII

Local Finance

CHAPTER XXV

VALUATION AND RATING

THE OVERSEERS OF THE POOR were the persons or authorities responsible for the making, collection, and recovery of the Poor Rate, prior to the 1st April, 1927, when the Rating and Valuation Act, 1925, came into operation. The office dated from 1551, and became a permanent feature of local government in 1601. In 1834 the duties of the overseers with reference to the administration of poor relief were (except in cases of emergency) transferred to the Board of Guardians, and subsequently to the County and County Borough Councils in 1929.

THE RATING AND VALUATION ACT, 1925

INTRODUCTION

1. THE OBJECTS OF THE ACT are—

(1) To simplify and amend the law of making and collecting rates.

(2) To promote uniformity in valuation.

(3) To amend the law respecting the valuation of machinery.

2. ABOLITION OF OVERSEERS. The offices of overseer and assistant overseer were abolished as from the 31st March, 1927.

PART I. RATING

1. RATING AUTHORITIES. The duty of making valuations and levying and collecting rates within their respective areas devolves upon the county borough councils, borough councils, urban district councils, and rural district councils. The areas under these authorities are known for rating purposes as "Rating Areas."

2. RATING COMMITTEES. The councils of these areas have power to appoint committees for the purpose of exercising the majority of their powers and duties under this Act. In rural districts, parishes also appoint two representatives on rating committees with limited duties. The full exercising of these powers and duties commenced on 1st April, 1927. The rating authorities are responsible for making valuations, collecting all the principal

rates in their areas, and paying over any sums demanded by precepting authorities. Rating authorities have power to correct clerical errors, omissions, etc.

3. PROVISIONS AS TO PRECEPTS. All other local authorities, who derive income from the levying of rates, precept upon one or more of the appropriate rating authorities for their requirements for a certain rate in the £ calculated according to estimates of the produce of the General Rate prepared by the rating authority.

4. GENERAL RATE. "Rate" means a rate the proceeds of which are applicable to local purposes of a public nature and which is leviable on the basis of an assessment in respect of the yearly value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is, or can be, ultimately raised out of a rate as before defined. (Rating and Valuation Act, 1925, Section 68 (i).) The consolidation of rates is effected as far as possible by the Act, and the new consolidated rate is known as the "General Rate." Provision was made for dealing with such rates as cannot be consolidated. As from 1st April, 1927, in Rural Areas, and from the first valuation in Urban Areas, a General Rate is levied to cover all expenses of local authorities, except Special Expenses in Rural Areas.

5. REMISSION OF RATES. By Section 2 of the Act, the rating authority may in the first place remit payment of the general and special rates, on the ground of poverty. If they do not do this, and apply to the Justices for a warrant, the Justices may themselves remit payment, but if the Justices do not remit payment but merely refuse a warrant, the rating authority may renew their application at a later date.

6. RATE MADE RETROSPECTIVE. Under Section 4 of the Act the gap, if any, between the end of one rate and the making of the next, is abolished, and the ratepayer will pay his proper proportion of the rate, according to the number of days in the rate period that he has been in occupation.

7. PUBLICATION OF RATE. The Act allows the rates to be published by—

- (i) Affixing notices at or near the principal door of every church and chapel of the Church of England; or
- (ii) In some public and conspicuous place or situation in the parish, or
- (iii) Alternatively, by publication in one or more newspapers circulating in the area.

8. LEVY OF GENERAL RATE. Under Section 2 of the Act, the rating authorities concerned are required to levy a rate at a uniform amount in the pound over the whole of the area liable to contribute.

9. COMPOUNDING.

(a) *Compulsory.* Under Section 11 (1) a rating authority may, by resolution, direct that owners instead of occupiers shall be rated in respect of all rateable hereditaments in their area up to any rateable value, provided that the rateable value does not exceed £13 or such higher limit as may at the passing of this Act be in force in any area for the purpose of the Poor Rate.

By the Local Government Act, 1929, Section 71, it is optional on the local authority to define the properties to which Section 11 (1) is to apply, by reference to the intervals at which the rent is payable or collected. The rateable value defined in the resolution must not exceed £13—the rental interval fixed in the resolution was not less than quarterly, but this is now optional.

If an owner of property, coming within this category, pays the rates within the first half of the rate period or instalment period, or before such later date as may be specified in the rating authority's resolution, he is entitled to an allowance of 10 per cent of the amount payable.

Under the Rating and Valuation Act, 1928, sec. 3, the allowance may be temporarily increased to 15 per cent at the discretion of the local authority for the period of first Valuation List, i.e. 5 years. This has been continued for a further period of 5 years by the Rating and Valuation (No. 1) Act, 1932.

(b) *Voluntary.* Under Section 11 (2) the rating authority may enter into an agreement in writing with the owner of any hereditament, the rent of which becomes payable or is collected at intervals shorter than quarterly, that the owner shall do one of the following three things—

- (i) Pay the rates chargeable in respect thereof, whether it is occupied or not, and receive an allowance not exceeding 15 per cent.
- (ii) Pay the rates chargeable in respect thereof, so long as it is occupied, and receive an allowance not exceeding $7\frac{1}{2}$ per cent.
- (iii) On behalf of the authority, collect the rates due from the occupier thereof, and receive an allowance not exceeding 5 per cent.

* 10. **RECOVERY OF RATES FROM OWNER.** In any of the above cases where an owner is rated, or undertakes to pay or collect rates, power is given to the rating authority to recover rates from him in the same way as from an occupier, and further, when the rates are collected by an agent of his, either from him or that agent.

11. **RETURNS FROM OWNERS.** Every owner who is compulsorily rated, or who agrees to be rated or collect rates, shall

from time to time on demand, give to the rating authority such of the following information as the authority may require—

- (1) List of the occupiers of such hereditaments.
- (2) Particulars of the periods for which such hereditaments have been unoccupied.
- (3) Particulars of the amounts which he has failed to collect from the occupiers.

If an owner refuses or neglects to give this information, or knowingly gives particulars which are untrue in any material respect, he is liable to a penalty not exceeding £5, and in the case of refusal or neglect, to a further penalty not exceeding £1 for each day during which the offence continues after he has been convicted.

Owners rated under this section, or who enter into agreements under it, have the same rights of objection, appeal, etc., as the occupier; but the occupier still retains his rights in this respect as well. The provisions of any existing local Act, with respect to the rating of owners, may be preserved instead of, or in addition to, the provisions of this Act if the rating authority so resolved before the date of the first new valuation.

Section 15 gives a rating authority power, where the rates are in arrear, to collect the rents from tenants and lodgers of the person who is in arrears, until such arrears are paid off.

12. DISCOUNT. The rating authority may allow a discount not exceeding 2½ per cent in respect of a General Rate, when it is paid before a certain date. This privilege does not apply to owners rated under Section 11 above.

PART II. VALUATION

1. ASSESSMENT AREAS. For the purpose of valuation the country is divided into "Assessment Areas," as follows—

(a) Each county borough, unless the council thereof decided that the area should be included with other rating areas in its neighbourhood, is an assessment area.

(b) Outside county boroughs: Each county council, after consultation with various parties interested, may divide the county into one or more areas, each consisting of one or more rating areas; or it may submit a joint scheme with a neighbouring county or county borough. These groups of rating areas, after being approved or modified by the Minister, are known as "Assessment Areas."

2. ASSESSMENT COMMITTEES. Each assessment area has an assessment committee appointed as follows—

(a) In a county borough: The assessment committee is appointed by the council of the borough, and consists of such

number of persons as the council shall determine. Not less than one-third of this number must be persons who are not members of the council. (Local Government Act, 1929, Sec. 15.)

(b) Outside county boroughs: The assessment committees consist of persons appointed by the rating authorities and county councils, whose area, or any part of whose area, is comprised in the assessment area.

The proportion in which the said authorities are represented is determined by the scheme constituting the area.

No person can be a member of both the "Assessment Committee" and a "Rating Committee" in an assessment area.

Assessment committees are charged with the duty of hearing and determining all proposals and objections to valuations made within their assessment areas.

3. COUNTY VALUATION COMMITTEE. Each county council appoints a "County Valuation Committee" consisting of members of the county council and a representative of each assessment committee any part of whose assessment area is comprised in the county.

The duty of these county valuation committees is to promote uniformity within the county, by conferring with other county valuation committees and assessment committees, and making recommendations to rating authorities and assessment committees and, if necessary, by lodging and contesting proposals, objections and appeals.

4. CENTRAL VALUATION COMMITTEE. To promote uniformity and remove inequalities in the system of valuation throughout the whole country, a Central Valuation Committee has been appointed consisting of members of rating authorities, assessment committees, county valuation committees, and of certain other bodies. Every assessment committee in the country has to report to it annually, and it must also report annually to the Minister of Health. It carries out its duties by conferring with such other persons or bodies as it thinks desirable, and making representations to the Minister of Health.

5. APPOINTMENT OF VALUER. Any rating authority, assessment committee, or county valuation committee may employ a valuer, who is empowered (under Sections 38 and 55) to enter on, survey, and value any hereditament, and the penalty for wilfully delaying or obstructing such valuer is a maximum of £5.

6. VALUATION LIST, is "a list of all the hereditaments in the area." The first new valuation lists under the Act came into force on either 1st April, 1928, or 1st April, 1929, and the next valuation list on 1st April, 1932, 1933, or 1934. The duty of deciding in which of these years the lists came into force in each rating area rested with the assessment committee, after consulting

with the rating authority concerned. The third and subsequent valuation lists must be made at intervals of five years.

The principle of a re-valuation every five years is introduced for the first time in the provinces, though it has been in operation in London since the passing of the Valuation (Metropolis) Act, 1869.

The Minister may, however, on the application of the assessment committee, extend or reduce these intervals by six months; and, on the application of a rating authority, with the concurrence of the assessment committee, divide a rating area into parts and fix different dates for the coming into force of the next valuation list in respect of each of such parts.

THE FORM OF THE VALUATION LIST. The Minister of Health issued Draft Rules dated 5th February, 1932, under Sec. 58 of the Act for prescribing the form of valuation list to be used outside London for the purposes of the Rating and Valuation Acts, 1925 to 1930, after the period of the first new valuation list made under the Act of 1925, the form of the declaration and the certificate to be appended to such list, and the particulars with respect to totals of values to be inserted in such list and to be recorded. The forms are given on pages 178, 179, and 180.

7. PREPARATION OF VALUATION LIST. Certain principles of valuation have grown up as a result of common law and judicial decisions and these may be briefly considered.

(1) *In the case of dwelling houses* and premises let at a rack rent (i.e. rent based on its utmost value) or on short leases the rent is usually taken as the basis for valuation. The actual rental paid, however, is not necessarily the standard of value.

(2) *Contractor's Rent Test.* Where the particular hereditament is not let at a rack rent, such as schools, colleges, halls, hospitals and clubs, the valuation is often based wholly or partly upon the "contractor's rent" principle.

(3) *Substituted Building Basis* consists of adding together a percentage on the value of the site, and a percentage on the value of the buildings.

(4) *Revenue Principle.* In certain other properties which are seldom or never let on the terms contemplated by the statute, (viz., canals, tramways, docks, waterworks, gasworks, electric supply undertakings, etc.), the "contractor's rent test" principle is only partially applied, e.g. to the administrative buildings as distinguished from the line. In these cases the main valuation is made upon another principle. It is noteworthy that these undertakings have to some extent the character of monopolies. The rent, therefore, which a tenant might give cannot be determined merely by taking a percentage on the cost of construction. In such cases, the Courts have approved of a method of valuation starting from the receipts

earned and arriving at the annual value of the rateable portion of the undertaking by a series of deductions. Many such properties extend into several parishes and counties. The valuations in such counties have to be made on the basis of what a hypothetical tenant might give for the portion of the undertaking in each parish.

THE RATING AND VALUATION (APPORTIONMENT) ACT, 1928, provided for the distinguishing in the valuation list and the apportionment of the net annual values of the classes of hereditaments to be effected by the relief scheme. Valuation lists which came into force after 1st October, 1929, have to distinguish—

(a) Agricultural hereditaments being agricultural land or buildings.

(b) Industrial hereditaments being a mine or mineral railway or a factory or workshop, but does not include what is primarily used as a dwelling-house, a retail shop, or for a distributive wholesale business or storage or for the purpose of a public supply undertaking.

(c) Freight transport hereditaments means hereditaments occupied and used wholly or partly for railway transport purposes or canal transport purposes or for dock purposes.

Agricultural properties were only included in the first Special List, and in future lists no agricultural properties will be included. (Local Government Act, 1929.)

The forms for Special List for this purpose are prescribed under Statutory Rules and Orders, 1932, No. 395.

1. DEFINITIONS. In the preparation of the list certain terms are defined, viz.—

(a) *The Gross Value* takes the place of "Gross Estimated Rental" and is the same as at present, namely, "the rent at which the hereditament might reasonably be expected to let from year to year, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe rent charge, if any, and if the landlord undertook to bear the cost of repairs, insurance and other expenses, if any, necessary to maintain the hereditament in a state to command that rent."

(b) *The Net Annual Value* takes the place of the former "Rateable Value." It is defined as "The rent at which the hereditament might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes and tithe rent charge, if any, and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent."

2. *Ascertainment of Rateable Value.* In the case of houses, offices, shops, agricultural land, etc., as shown in Schedule II

of the Act, the gross value is reduced by the following fixed deductions as allowances for repairs, insurance, etc.

DEDUCTIONS FROM GROSS VALUE

CLASS OF HEREDITAMENTS	AMOUNT OF DEDUCTION
(1) Houses and Buildings without land, other than gardens, where Gross Value does not exceed £10	40%
(2) Houses and Buildings, without land, other than gardens, where Gross Value exceeds £10 but does not exceed £20	£4 or 33½% whichever is the greater.
(3) Houses and Buildings, without land, other than gardens, where Gross Value exceeds £20 but does not exceed £40	£7 or 25% whichever is the greater.
(4) Houses and Buildings without land, other than gardens, where Gross Value exceeds £40 but does not exceed £100	£10 or 20% whichever is the greater.
(5) Houses and Buildings without land, other than gardens, where the Gross Value exceeds £100	£20 + 16½% of excess above £100.
(6) Land (other than agricultural land) with buildings valued together as one hereditament	10%
(7) Land (other than agricultural land) without buildings	5%

THE RATING AND VALUATION ACT, 1928

Section 2 (3) provides that for the purposes of the making of the first new valuation list and of the revision and amendment of those lists (but not for the purposes of the making of any subsequent new valuation list) the amendments following shall be substituted for Classes (1) and (2) above—

FIRST SCHEDULE: PART II

CLASS OF HEREDITAMENTS	AMOUNT OF DEDUCTIONS
(1) Houses and Buildings without land, other than gardens where the Gross Value does not exceed £15.	An amount equal to 40 per cent of the Gross Value.
(2) Houses and Buildings without land other than gardens where the Gross Value exceeds £15 but does not exceed £20.	£6, together with an amount equal to 30 per cent of the amount by which the gross value exceeds £15.

The expression "houses and buildings" does not include mills, manufactories, or premises of a similar character used wholly or mainly for industrial purposes, or hereditament valued as part of any railway, dock, canal, gas, water, electricity, or other public utility undertaking.

In the case of mills, manufactories or premises of a similar character used wholly or mainly for industrial purposes or hereditaments, valued as part of any railway, dock, canal, gas, water, electricity, or other public utility undertaking, or any other hereditament not included in those on Schedule II for which fixed deductions are to be made, no gross value is necessary, and the net annual value is to be calculated direct. The definition is approximately the same as "rateable value," i.e. the rent at which the property might reasonably be expected to let from year to year, the tenant paying all tenant's rates and taxes and doing all repairs and insurance, etc.

The rateable value is the actual figure on which rates are paid and will, in many cases, be the same as the net annual value.

3. *Agricultural Land, etc.* Agricultural land, farm buildings and market gardeners' greenhouses and buildings (other than dwelling-houses) were totally de-rated as from 1st April, 1929, in accordance with the Local Government Act, 1929, and the Agricultural Rates Act, 1929. In *urban areas* only, as regards tithe, tithe commutation rent charge, and other payments in lieu of tithe issuing out of the land, and as regards any land used as a railway, canal, towing path, land covered with water, there are deductions from net annual value to arrive at rateable value, as may correspond to the relief previously given to such hereditament in each area. In *rural areas* these latter hereditaments in respect of special rates obtain equivalent relief by paying on one-fourth part only of their rateable value.

In all cases of property, except those just referred to, the net annual value and rateable value are the same, and the rateable value only will be entered in the list.

All rateable values are calculated to the nearest pound, and therefore no shillings are shown in the rateable value on demand notes.

8. MAKING A VALUATION LIST.

1. *Returns from Occupiers.* The rating authority *must* (see below) serve a notice on the occupier, owner, or lessee of every hereditament in the rating area or any one or more of them, requiring him or them to make a return within 21 days, containing such particulars as may be reasonably required for the purpose of carrying out the Act, such as the rent paid, particulars of any lease or sub-letting, etc., and the rating authority may require such a return to be made at any time. The penalty for failing to make such a return, without reasonable excuse, is a fine not exceeding £20 and £2 a day (after conviction) for the time during which the offence continues, and for making a false return not exceeding £50.

The Rating and Valuation (No. 2) Act, 1932, amends Sec. 40 (1)

of the Rating and Valuation Act, 1925, by making permissive* instead of compulsory the serving of notices on the occupiers, owners, or lessees of every hereditament in the area whenever a new valuation list is made.

2. Preparation of Draft List. Having received these returns duly filled in, the rating authority or a surveyor on their behalf, makes a valuation of all the hereditaments in its area and copies the valuations into a list known as the "Draft List," which must be signed by the clerk, and a copy sent to the assessment committee. The copy signed by the clerk must be deposited at the offices of the rating authority, notice must be given to the county valuation committee and published for the information of the public. This draft list will be open to inspection by the public for 21 days from the date the notice is published.

3. Notices to Occupiers. (a) *By Rating Authority* of first assessment. (b) *By Assessment Committee*: (i) of objection by other than owner of increases; (ii) of meeting to hear above only; (iii) of insertion or alteration otherwise than on objection; (iv) of objection on above; (v) of decision on objection other than owner for increase. The rating authority must, within seven days of the deposit, send to the occupier a notice stating the new gross, net annual, and rateable values.

4. Objections. Any person and any local authority (including county councils and parish councils) aggrieved by the contents of the draft list may lodge an objection with the assessment committee at any time within 25 days from the date of deposit of the draft list. Such notice must specify the grounds of objection, and within 3 days of receiving it the assessment committee must send a copy of it to the rating authority and the occupier of the hereditament, but if either of these is the objector it is not necessary to send one to such objector.

5. Revision of Draft List. The assessment committee must give at least 14 days notice of any meeting for the hearing of objections to the rating authority, the occupier, and the objector.

The objector, the occupier, the rating authority, and the county valuation committee are entitled, personally or by any agent, to appear, and be heard, and to examine and call any witnesses.

No person, being either a party to the objection, or a witness in the case, or a valuer employed by the assessment committee, shall be present whilst the assessment committee are considering their decision.

The assessment committee also have powers to alter the draft list on their own initiative without any objection, but should they in so doing raise an assessment, they must serve a notice on the occupier informing him of such alteration, and he may lodge

* an objection with the committee within 14 days of the service of such notice.

6. *Final Approval of List.* The assessment committee shall, not later than the 31st of January if the list is to come into force on the 1st of April, or not later than 31st July if the list is to come into force on the 1st of October, approve and sign the list, and send it to the rating authority, where it remains and becomes the "Valuation List" for the rating area.

The list is conclusive evidence for local rates, annual values required under Licensing Acts, qualification of manager of schools, asylum district, or jurors. The value of every hereditament in the rating area must be included in the list.

9. PROPOSALS FOR AMENDMENT OF LIST. It is not necessary that the assessment committee should have heard and determined all objections to the draft list before they sign and approve it, but all such outstanding objections automatically become "Proposals."

The right of a ratepayer to object to an assessment in the draft list is of little or no value to him, as he still has the right, at any time, to object to any matter by which he is aggrieved in the valuation list for the time being in force. In this latter case it is not called an objection, as it is in the case of the draft list, but a "proposal" for the amendment of the list.

Any aggrieved person, county valuation committee, or other local authority may make a proposal, but it must be served on the *rating authority* and, not like an objection, on the *assessment committee*; it must be made in writing and specify the grounds on which it is supported.

1. *Copy to Occupier.* Within seven days of the date on which a proposal is made by or served on them, the rating authority must send a copy to the occupier (unless the occupier is the proposer); or, where there is no occupier, to the owner of the hereditament to which it relates, and shall also send to him at least 21 days beforehand notice of the date on which the proposal will be considered by the assessment committee. The rating authority must, from time to time, and as required by the assessment committee, send to the assessment committee returns and other particulars with respect to all proposals and any notices of objection thereto given to the rating authority.

2. *Objections.* Any person to whom a copy of a proposal as above has been sent may, not less than seven days before the meeting of the assessment committee, give notice in writing to the rating authority that he objects to the proposal and stating the grounds of his objection. Unless he gives such notice he is not entitled to be heard at the meeting. The rating authority shall, forthwith, send to the person making the proposal a copy of

such objection, and if they (the rating authority) themselves propose to object, notice of their intention and their grounds of objection. The maker of the proposal will, therefore, know beforehand if there is to be any opposition.

A county valuation committee may not appear in opposition to any objection or proposal made by an occupier without giving him notice at least three days before the hearing, or in opposition to an appeal by an occupier without still longer notice.

3. *Procedure.* The same procedure governs the hearing of a proposal before the assessment committee as that given above for the hearing of an objection to any matter in the draft list.

Any decision of the assessment committee on a proposal is retrospective, and operates from the commencement of the rate period during which the proposal was made.

The only exceptions to this are where the proposal is for—

(a) An amendment for the inclusion in the list of a newly-erected or newly-constructed hereditament; or

(b) An altered hereditament which has been out of occupation on account of structural alterations; or

(c) Where the value has been altered by the making of structural alterations or by damage from fire or other physical cause, or

(d) Where tithe, tithe commutation rent charge or other payment in lieu of tithe is extinguished in whole or in part.

(e) Where de-rating takes place.

In such cases, the alteration dates from when the new or altered hereditament comes into occupation, or as from the happening of the event giving rise to the alteration in value, or as from the date when the extinguishment takes effect, as the case may be.

10. *RETURNS.* An assessment committee may, at any time, call for the same returns giving particulars of any hereditament within their area as a rating authority may, and subject to the same penalties.

11. *APPEAL TO COURT OF QUARTER SESSIONS.* Any person who is aggrieved by the decision of an assessment committee after the hearing by them of either an objection to the draft list or a proposal for the amendment of a current list, may appeal against the decision to the Court of Quarter Sessions for the county or place where the hereditament to which the objection or proposal related is situated.

In the case of an objection to the draft list, the right of appeal is definitely limited to persons who appeared before the assessment committee on the hearing of the objection.

In the case of an appeal against the decision on an objection to values in the draft list, notice of appeal must be lodged before

the expiration of 21 days after the date on which the valuation list is finally approved. In the case of an appeal against the decision on a proposal to amend the current valuation list, notice must be lodged within 21 days after the date of the decision of the assessment committee.

The notice of appeal must be given to the Clerk of the Court to which the appeal is made.

A copy must also be served by the appellant within the above 21 days on the assessment committee and on each of the following persons, not being the appellants, namely, the rating authority and the occupier of the hereditament concerned.

The notice of appeal must specify the grounds of appeal.

In any case where there is more than one respondent to an appeal, the appellant cannot be made to pay the costs of more than one of them.

Where the appellant is the county valuation committee or a local authority, the occupier may at any time before the hearing, instead of appearing as a respondent, give notice to the Court that he desires to be called as a witness. He must then be called as a witness and can put his views before the Court without incurring any costs himself, and without the danger of rendering himself liable, if the appeal succeeds, to pay the costs of the appellants.

In a borough having a separate Court of Quarter Sessions, the Recorder will constitute the Court. Outside such boroughs, the Court will consist of a committee of Quarter Sessions of not less than five nor more than seven members, the chairman to be appointed with a view to his legal qualification.

This committee may hold local sittings at any convenient time; and, if the rateable value appealed against does not exceed £100, solicitors may appear before them instead of barristers.

A Recorder can also sit at any convenient time to hear rating cases, but unless the rules of his court allow it, a solicitor may not appear before him.

If any party to an appeal makes application to the Court at any time before evidence as to value has been brought forward, the Court may appoint a proper person to value the hereditament concerned and the Court may, or if any party to the appeal asks for it must, call the person so appointed as a witness, and he may be cross-examined by any of the parties.

12. APPEAL TO HIGH COURT. Any party to the appeal may, if dissatisfied with the decision of the Court of Quarter Sessions on a point of law, make an application within 21 days to have a case stated for the opinion of the High Court on the point of law; and, with the appropriate approval, from thence to the Court of Appeal, and the House of Lords, whose decision is final.

In the case of railways, appeal is direct to the Railway and Canal Commissioners, and thence to the House of Lords.

13. **ARBITRATION.** Even if notice of appeal has been given there are alternatives to the case being heard at Quarter Sessions.

If the parties agree, they may refer the matter in dispute, or any part of it, to arbitration, and the arbitrators' award will be final on questions of fact; and, also, if the parties so agree, on questions of law; or, alternatively, the parties may agree to appoint a valuer to make a binding valuation of any hereditament or any part thereof.

If an occupier or ratepayer wishes to make an objection, proposal, or appeal in respect of a number of hereditaments in the same valuation list, of which he is the occupier or ratepayer, he may include them all in the same objection, proposal, or appeal, and need not make separate ones in respect of each of such hereditaments.

14. **PAYMENT PENDING APPEAL.** If an objection has been lodged, or the assessment is being appealed against, and the appeal has not been decided, the ratepayer will be liable to pay the rate in full; and, if, when the appeal is decided, it is found that he has paid too much, the balance will be refunded; if he has paid too little, the balance will be collected as arrears of rates.

15. **LEVYING THE RATE.** The rate is levied upon—

(a) Under Poor Relief Act, 1601—every inhabitant, parson, vicar and other, and every occupier of non-agricultural lands, houses, tithes impropriate, propriations of tithes, or coal mines.

(b) Under Rating Act, 1874—occupiers of mines of every description not in the 1601 Act; land not subject to rights of common; sporting rights when severed from the occupation of land.

(c) Under Advertising Stations (Rating) Act, 1889—occupiers or owners of land used for advertisement hoardings.

MACHINERY

1. **MACHINERY WHICH IS RATEABLE.** The Act makes the following classes of machinery definitely rateable—

(1) Machinery and plant used mainly or exclusively for the generation, storage, primary transformation or main transmission of power.*

(2) Plant and machinery mainly or exclusively used for heating, cooling, ventilating, lighting, draining, supplying water to or protecting from fire the land or buildings, but not such plant used mainly or exclusively for trade purposes.

(3) Lifts and elevators mainly or usually used for passengers.

(4) Railway and tramway lines and tracks.

(5) Such part of any plant or any combination of plant and machinery, including gasholders, blast furnaces, coke ovens, tar distilling plants, cupolas, water towers with tanks, as is, or is in the nature of, a building or structure.

2. COMMITTEE. A Committee was appointed to make a list of all plant and machinery which in their opinion were rateable under the Act. The List was compiled (see S.R.O., 1927, No. 480) and took the place of the Third Schedule to the Act, and is to be revised at intervals.

3. PANEL OF REFEREES. A panel of referees has been appointed, who shall, with the consent of the assessment committee or the court and with the agreement of all the parties to the dispute, decide any difficult cases under this section.

4. Under the Rating and Valuation Act, 1928, the de-rating of machinery is now made applicable to London.

GENERAL

1. NOTICES, etc. Notices, demand notes, etc., required by this Act may be—

(a) Sent or served by delivering them at, or posting them to, the usual or last known place of abode ;

(b) By delivering them to some person on the premises to which they relate ; or

(c) If there is no such person, by fixing them on some conspicuous part of the premises ; or

(d) Where the premises concerned are a place of business, by leaving them at or forwarding them by post addressed to the person concerned at such place of business. Where such notices, etc., have to be served on the occupier or owner, it is sufficient to address it to the " occupier " or " owner " without any name.

Notices, etc., served on a local authority may be delivered by hand at their offices, or sent thereto by post addressed to the local authority or their clerk.

2. INSPECTION OF DOCUMENTS. Any ratepayer or his agent may inspect and take copies of or extracts from any rate book, draft list, valuation list, notice of objection, proposal for amendment, notice of appeal, record of totals, or a valuation made by a valuer *appointed by an assessment committee*, and the minutes of the proceedings of any assessment committee or rating authority, without payment. Where the document is more than ten years old, a payment must be made. The returns sent in by ratepayers giving particulars of their properties are not open to inspection. This right applies not only to the area in which the ratepayer is domiciled or is a ratepayer, but anywhere in the country.

3. EXTENT OF ACT. This Act does not extend to Scotland, Northern Ireland, or the Administrative County of London.

4. LONDON. Under the Rating and Valuation (Apportionment) Act, 1928, certain provisions of the 1925 Act concerning contents of Valuation Lists, record of totals, correction of errors, power to employ Valuers and other features are made applicable to London.

The Rating and Valuation Act, 1928, makes applicable to London the revised deductions from Gross Value to Rateable Value for properties of the five classes specified in the First Schedule; these being in substitution for the allowances prescribed under the Valuation (Metropolis) Act, 1869. These deductions are to operate for the lists for 6th April, 1931, and their revision and alteration.

5. THE RATING AND VALUATION ACT, 1932, extends the duration of certain temporary provisions contained in the Rating and Valuation Act, 1928. The amended deductions from gross to rateable authorized by the 1928 Act for the quinquennial valuation in London (i.e. 6th April, 1931) and the "first" general revaluation in the rest of the country are now extended for the next quinquennial valuation in London (i.e. 6th April, 1936) and the "second" general revaluation in the rest of the country (i.e. 1st April, 1934).

The Act also extends for a similar period the amendment in the 1928 Act relating to the allowance to be made to owners when rated instead of occupiers under Sec. 11 of the 1925 Act.

In future the Acts relating to matters of assessment will be known as the Rating and Valuation Acts, 1925 to 1932.

6. THE GENERAL RATE VALUATION is the basis for all rates (except Drainage Rates) since the date of the first new valuation.

"OCCUPATION must be "beneficial." What constitutes beneficial occupation is a question of fact as decided by the Courts.

(1) Rate is levied upon occupiers, except—

(a) Tithe Rent Charge. The Tithe Rent Charge (Rates) Act, 1899, relieves the owner of a tithe attached to a benefice of the payment of one-half of the rate on same. By the Tithe Act, 1925, tithes became vested in Queen Anne's Bounty, and provision is made that, in future, the Commissioners of Inland Revenue will pay the rates payable in respect of tithe.

(b) Sporting rights severed from occupation of land.

(c) Owners' compounding.

(d) Advertising stations where no occupier of the land.

(2) Certain properties are subject to differential rating.

7. EXEMPTIONS FROM RATING—

(a) Property occupied by the Crown or used for the purposes

of the Crown, e.g. Government Buildings, Post Offices, etc., but contributions are made in lieu of rates.

(b) Properties covered by the Scientific Societies Act, 1843.

(c) Sunday Schools and Ragged Schools Act, 1869.

(d) Registered places of worship.

(e) Lighthouses, buoys and beacons as defined in Merchant Shipping Act, 1894.

(f) Agricultural land and buildings under Local Government Act, 1929, sec. 67.

(g) Ambassador's residence. (h) Polling booths.

(i) Non-provided Schools under Education Act, 1921.

(j) Land struck with sterility, e.g. highways.

8. STATEMENT OF RATES ACT, 1919, provides that from and after the first day of January, 1920, every demand or receipt for rent, as may be payable under any enactment whatever, by the owner instead of the occupier, must state the amount of such rates. Such statement shall agree with the last demands received by the owner from the rating authorities. The Act does not apply to weekly lettings at inclusive rentals in any market established under or controlled by statute.

9. EXPENSES.

(a) Rating Authority expenses are met out of the General Rate ;

(b) Assessment Committee expenses are apportioned among the Rating Authorities in proportion to rateable values.

10. AUDIT OF ACCOUNTS. By the District Auditor of the Ministry of Health, under Rate Accounts Order, 1926.

RAILWAYS (VALUATION FOR RATING) ACT, 1930

The assessment of railway hereditaments will in future be determined by the Railway Assessment Authority (a body constituted under Section 2 of the Act), and not by the Rating Authorities and Assessment Committees.

The Act requires that railways shall be valued *in cumulo*, and subsequently apportioned, and defines "railway undertaking" to embrace canals, docks, harbours, and other subsidiary or ancillary undertakings. Appeals are to the Railway and Canal Commissioners, and thence to the House of Lords. Expenses are to be defrayed by County and County Borough Councils. The Act does not extend to Northern Ireland.

The "apportionment scheme" prepared by the Railway Assessment Authority under the above Act was confirmed by the Minister on the 20th April, 1932.

FORM A

FORM OF VALUATION LIST

Part I.—Hereditaments other than Industrial and Freight Transport Hereditaments

[illegible]

Part II.—Industrial Hereditaments

Assessment No.	Name of Occupier.	Name of Owner	Description of Property	Name or situation of Property	Estimated Extent	Values										Date of amendment and initials of responsible officer
						Gross Value of the hereditament where required to be ascertained	Net annual value of the hereditament (distinguishing by the letter "W" any hereditament or part thereof assessed as land covered with water)	Net annual value (as in Col. 8) and rateable value apportioned between Industrial Purposes and Non-Industrial Purposes		Rateable value of the hereditament (i.e. total of sums in Cols. 9a and 10a)						
								Industrial Purposes	Non-Industrial Purposes		Net Annual Value 9a	Rateable Value 9b	Net Annual Value 10a	Rateable Value 10b		
1	2	3	4	5	6	7	8	9a	9b	10a	10b	11	12			

Part III.—Freight Transport Hereditaments

[illegible]

CHAPTER XXVI

GRANTS-IN-AID

1. **DEFINITION.** "By a 'Grant in Aid,' the English administrator understands a subvention payable from the Exchequer of the United Kingdom to a Local Governing Authority, in order to assist that Authority in execution of some or all of its statutory duties. The subvention may be an isolated payment, but is usually recurrent or annual. It may be a matter of statutory obligation or dependent on the recurring decision of the Minister in charge of a particular department. It may be unconditionally of fixed amount, or variable according to the circumstances of the time. Most important of all, its variable amount may be dependent on the growth of population, or of a particular section of it, of the amount of some particular service, on the number of officers appointed or the sum of their salaries, on the expenditure of the receiving authority, on the rateable value of its district, on the efficiency of its work, or on some other condition." (Sidney Webb.)

2. **THE SYSTEM OF STATE SUBVENTIONS** was inaugurated in 1833, when £20,000 was allocated to assist in the erection of school buildings. The following year a grant-in-aid of the Metropolitan Police was made, and extended to provincial forces in 1857. In 1834 grants were extended towards the cost of criminal prosecutions and the maintenance of prisons. Grants to Guardians of the Poor towards the cost of the salaries of teachers in Poor Law Schools and the cost of drugs and medical appliances commenced in 1846, and grants to sanitary authorities followed in 1872. In 1874 a grant was introduced in aid of the cost of maintaining pauper lunatics, and a grant consequent on the increased cost of registration of births and deaths. Grants to Highway Authorities towards the maintenance of disturnpiked roads commenced in 1882.

3. **THE LOCAL GOVERNMENT ACT, 1888**, introduced a new financial arrangement whereby certain of the direct grants ceased, but certain revenues were assigned to the local authorities. The assigned revenues were to be paid to the Local Taxation Account, and disbursed to the County and County Borough Councils, who were to pay the grants to their Exchequer Contribution Account and disburse the same as directed by the Act. The assigned revenues consisted of the proceeds of certain local taxation

licences and 80 per cent of one-half of the proceeds of probate duty (now estate duty) levied on personalty.

4. **THE LOCAL TAXATION (CUSTOMS AND EXCISE DUTIES) ACT, 1890**, increased the duties on beer and spirits, and it was provided that 80 per cent of the additional revenue should be applied in aid of local services, £300,000 per annum was to be applied in aid of Police Superannuation, and the balance allocated on the same basis as the Probate Duty Grants. This new grant became known as the "Whisky Money," and under the provisions of the Education Act, 1902, the whole proceeds had in future to be devoted to purposes of higher education. The various Diseases of Animals Acts passed subsequently provided that the cost of their administration should be met out of the revenue of the Local Taxation Account.

5. **THE AGRICULTURAL RATES ACTS, 1896-1923**, relieved the owners of agricultural land of a proportion of their assessment. The relief was three-quarters, but the combined effect of the Local Government Act, 1929, sec. 67, and the Agricultural Rates Act, 1929, was totally to exempt agricultural land and buildings as from 1st April, 1929.

6. **THE FINANCE ACT, 1907**, provided that the proceeds of the licences and duties should be paid into the Consolidated Fund and subsequently transferred to the Local Taxation Account. The amounts transferred being stereotyped from time to time by the Government, at the yield for a given year, the expansion in the yield passed to the Imperial Exchequer.

7. **THE FINANCE ACT, 1908**, placed the duty of collecting certain licences upon the County and County Borough Councils, and an annual contribution was made towards the cost of collection. Since the Financial Settlement of 1888 the Government have imposed many additional responsibilities upon local authorities. These have been aided by new grants paid directly to the various local authorities and not through the Exchequer Contribution Account. They have taken the form of a percentage of the expenditure incurred, and not a block grant as originally paid prior to 1888.

8. **A STATEMENT** showing the various services aided and the basis of the grants paid is given on page 183.

9. **THE ADVANTAGES CLAIMED FOR GRANTS-IN-AID** may be summarized as follows—

(1) Many functions of local authorities are national services locally administered.

(2) They equalize the effects of the different incidence of taxes and rates.

(3) They enable the central government to exercise control

GOVERNMENT GRANTS-IN-AID OF LOCAL GOVERNMENT

CENTRAL DEPARTMENT	SERVICE	NORMAL GRANT
Board of Education	Elementary Education	Fisher Formula. See page 109
Ministry of Health	Higher Education	50% net approved expenditure
	Public Health	Block grant on population basis
	Health Visitors and Midwives Training	£20 per successful trainee
	Port Sanitary	50% net approved expenditure
	Housing, 1919 Act	Excess expenditure over rate of 1d. in the £
	„ 1923 Act	£4-£6 per house per annum for 20 years
	„ 1924 Act	£7½-£9 per annum for 40 years
	„ 1925 Act	50% annual loss on clearance schemes
	„ 1930 Act	£2 10s. per person re-housed for 40 years
Home Office	Police and Pensions	50% net approved expenditure
	Approved Schools	50% net approved expenditure
	Probation of Offenders	50% net approved expenditure
	Motor Patrols	£60-£150 per annum per vehicle
Ministry of Labour	Juvenile Unemployment Centres and Training	75% net approved expenditure
Ministry of Transport	Roads—	
	Class I, Maintenance (Counties)	60% net approved expenditure
	Class II, do.	50% net approved expenditure
	Construction and Improvements	33 to 75% net approved expenditure
	Surveyor's Salary and Expenses	50% net approved expenditure
Ministry of Agriculture & Fisheries	County Agricultural Committees	100% cost of administration
	Small Holdings	Pre 1926 schemes, 100% annual loss
	Agricultural Education	Post 1926 schemes, 75% annual loss
	Diseases of Animals	75% capital expenditure
		66⅔% annual expenditure
		75% annual cost of compensation
Treasury	Registration of Electors	50% expenditure
	Conveyance of Prisoners	Actual cost
	Approved Schools	50% net approved expenditure
Overseas settlement Unemployment Grants Committee	Farm Training Schemes	Variable special grants
	Relief Works	25% for first 15 years

over local administration, promote uniformity, and enforce a minimum standard of efficiency.

(4) They may be used to relieve the over-burdening of necessitous areas.

10. THE DISADVANTAGES URGED are—

(1) It is a dangerous principle to establish a system by which great claims can be made on the National Exchequer.

(2) There cannot be any effective Parliamentary control over such expenditure.

(3) It is uneconomical.

(4) It is difficult to define the proper subjects for such contribution.

(5) Does not prevent marked fluctuations in local expenditure.

11. PRESENT POSITION. Many of these grants can be traced to the findings of the Royal Commission on Local Taxation (1896) which recommended increased grants for locally administered services.

The Kempe Committee (1910-1914) advised the abolition of the system of assigned revenues, and recommended direct grants for specific services conditional upon efficiency.

The Geddes Committee (1921) condemned the system of percentage grants as being founded on an uneconomic basis, and made suggestions for drastic cuts.

A Departmental Committee, under Lord Meston's chairmanship, which was appointed in 1922, took considerable evidence with a view to finding a more satisfactory system, but failed to issue a Report.

The Board of Education in December, 1925, informed the Local Education Authorities by the now famous Circular 1371 that considerable reductions would have to take place. This Circular was subsequently withdrawn and its terms modified.

RE-ORGANIZATION OF GRANTS-IN-AID

1. Part VI of the Local Government Act, 1929, deals with the revised financial relations between the National Exchequer and the local authorities.

2. ABOLISHED GRANTS. The following Exchequer Grants-in-aid of local services were abolished as from April, 1930—

(1) The Assigned Revenue Grants.

(2) The Grants under the Agricultural Rates Acts, 1896 and 1923.

(3) The percentage grants-in-aid of most health services, tuberculosis, maternity and child welfare, welfare of the blind, venereal diseases, mental deficiency.

(4) The classification grants for Class I and Class II roads in

London and County Boroughs, and the grants for the maintenance of unclassified roads in county districts.

Exchequer Grants other than those named above were not to be affected by the scheme, e.g. Education, Police, Housing, Unemployment, etc.

3. THE NEW EXCHEQUER GRANTS-IN-AID. The loss to the local authorities under the scheme will be the rates on the rateable value lost under the derating proposals described in Chapters II and XXV, and the grants specified above other than the parts of the assigned revenues referred to.

(i) The estimated loss of rates due to derating which would have been incurred by all local authorities in the year 1928-29 (taken for the purpose of the scheme as "the standard year") on the assumption that the proposed local government changes had been in operation in that year, and that the Valuation List in force on the 1st October, 1929, had been in force in that year; estimated at about		24,000,000
(ii) The assigned revenue grants payable for the standard year, other than the grants specifically applied to education and police services and the Local Taxation Licence Duties not passing through the Local Taxation Account;	4,700,000	
(iii) The Agricultural Rates Acts Grants payable for the standard year;	4,700,000	
(iv) The Health Percentage Grants payable for the standard year;	3,900,000	
(v) The classification grants for Class I and Class II roads in London and county boroughs, and the maintenance grants for scheduled roads in county districts payable for the standard year; estimated at about	3,200,000	16,500,000
(vi) An additional sum of new money for England and Wales, amounting to		5,000,000
Making a total as per White Paper		£45,500,000
Additional and supplementary Exchequer Grants		2,330,000
Making a total of		<u>£47,830,000</u>

4. DISTRIBUTION OF GRANTS.

(1) The actual total sum to be distributed could not be known until the loss of rateable value had been ascertained and figures for the standard year available.

(2) The new money to be included in the grant will, however, not depend in any way on the other figures in advance.

(3) The distribution is fixed as follows—

		Years
(a) The First Fixed Grant Period	3 Years	1930-33
(b) The Second Fixed Grant Period	4 ..	1933-37
(c) The Third Fixed Grant Period	5 ..	1937-42
(d) The Fourth Fixed Grant Period	5 ..	1942-49

And so on.

(4) At the end of each Fixed Grant Period a review will take place of the amount to be paid for the next period.

(5) This will be ascertained on such a basis that the extra money provided beyond the loss of rates and grants is to bear the same proportion to the total rate-borne expenditure of the county as the £5,000,000 bears to that expenditure at present.

(6) The amount receivable by each county and county borough is guaranteed to be not less than 1s. a head of the estimated population for the standard year beyond the amount it was then receiving.

(7) The amount necessary to make up that guarantee is known as the Additional Exchequer Grant.

(8) In addition, each county district is guaranteed that it shall not be any worse off, by reason of the change, during the first five years of the operation of the Act, and that any necessary rate adjustment consequent on the scheme will be spread evenly over the next fourteen years thereafter.

5. APPORTIONMENT AMONG COUNTIES AND COUNTY BOROUGHES.

(a) The whole of the new grant-in-aid will in the first place be apportioned among Counties and County Boroughs according to the formula based on general characteristics independent of actual expenditure.

(b) Owing to the very irregular distribution of the existing revenues to be replaced by the Formula Grant, it was considered that too great a disturbance in local finance would be caused by introducing a complete allocation on this basis at one step.

(c) Accordingly, the Act provides that the Grant allotted to county councils and county borough councils shall be distributed as follows: For the first two periods of three years and four years respectively, 75 per cent of the loss in the standard year and the balance on the formula.

(d) Other periods. Third, 50 per cent; Fourth, 25 per cent; future, all on the formula.

6. THE FORMULA. The formula is as follows—

1. For each county and county borough a figure of weighted population is arrived at by increasing the population in the standard year as estimated by the Registrar-General—

(a) By the percentage by which the number of children under five years of age per 1,000 of the population of the area exceeds 50; and

(b) By the percentage by which, according to the Valuation List in force on the 1st October, 1929, or on subsequent revisions of the grant in the year prior to the revision, the rateable value per head of estimated population of the area is below £10.

The population so increased is further weighted—

(c) For unemployment: the number of unemployed insured

men and women (10 per cent only) is expressed as a percentage of total estimated population, and where this percentage, averaged over three years, exceeds $1\frac{1}{2}$ per cent, the population increased by (a) and (b) is further increased by a percentage equal to an appropriate multiple, which for the first two fixed grant periods is ten times the excess over $1\frac{1}{2}$ per cent.

And in administrative counties other than London—

(d) For low density of population: where the estimated population per mile of roads is, in the appropriate year, less than 100 persons, the population increased by (a) and (b) is further increased by the percentage by which the estimated population per mile of roads is less than 200 persons, and, where the estimated population per mile of roads is 100 persons or more, by the percentage which 50 persons bears to the estimated population per mile of roads.

2. The total amount of the formula grant allotted to each county borough and to each administrative county will be x pence multiplied by its weighted population. (The money factor x pence is determined by the total sum for England and Wales available for distribution on the formula basis.)

7. METHODS OF CALCULATION AND ADJUSTMENT. The loss of rates in the standard year for the purpose of the scheme will be calculated as follows—

(a) There will be ascertained the net rate-borne expenditure which would have been incurred by each spending authority in the year 1928–29.

(b) The loss of rates in the standard year for each authority will be such proportion of the net expenditure so ascertained as the loss of rateable value due to de-rating properties in the valuation list in force on the first of October, 1929, bears to the total rateable value which, apart from scheme, would have stood in the valuation list.

(c) The loss of grants in the standard year will be the actual grants (for which the new scheme of grants is to be substituted) payable to each authority for the year 1928–29 subject to adjustments in respect of—

- (i) The Agricultural Rates Acts Grants.
- (ii) Health Grants and Road Grants.
- (iii) Health Grants payable to voluntary associations.
- (iv) Grants to voluntary associations in aid of the welfare of the blind.
- (v) The Tuberculosis Grants.

(d) At the end of the seven years, the working of the rules of the formula and of the scheme of county distribution will be subject to examination and a report to Parliament.

In the course of debate in the House of Commons in July, 1932,

the Minister of Health undertook to investigate forthwith the operations of the unemployment factor.

A new Order was issued in May, 1932, entitled the Local Government (Calculation of Rate-borne Expenditure, etc.) Regulations, 1932 (S.R. & O., 1932, No. 160). It consolidates and supersedes the following provisional Regulations—

The Local Government (Calculation of Rate-borne Expenditure, etc.) Regulations, 1929.

The Local Government (Calculation of Rate-borne Expenditure, etc.) (Amendment) Regulations, 1930.

The Local Government (Calculation of Rate-borne Expenditure, etc.) (Road Contributions) Regulations, 1930.

The Local Government (Final Statements of Unreduced and Reduced Rateable Values) Regulations, 1930.

No amendments have been made except a few minor drafting amendments. The substance of the Regulations remains unaltered.

8. DISTRIBUTION TO BOROUGH AND DISTRICT COUNCILS.

(1) Out of the total amount allotted to each administrative county, a grant will be made—

(a) To each non-County Borough and Urban District Council at a uniform figure per head of actual population.

(b) To each Rural District Council at one-fifth of that uniform figure per head of the actual population.

(2) The uniform figure will be one-half the amount ascertained by dividing the total grant allotted to all administrative counties outside London by the aggregate actual population of the counties.

(3) The aggregate of the grants to the Borough, Urban, and Rural District Councils will then be deducted from the grant appropriate to the administrative county as a whole.

(4) The balance will be the grant payable to the County Council in aid of the general county rate.

9. SUBSEQUENT REVISION OF GRANT. The total annual grant ascertained for an area will be fixed for two periods of three years and four years respectively.

(b) For each of these periods the distribution of the "pool" will be made upon 75 per cent of the loss in the standard year and the balance on the formula.

(c) At the end of the first period of three years the total grant-in-aid will be revised.

(d) As regards the total sum to be distributed as grant-in-aid for the second fixed grant period, it is proposed that the ratio of Exchequer assistance in aid to the total rate-borne expenditure of the country at the beginning of the scheme should broadly be maintained.

(e) If there is any marked reduction in this ratio at the end of the first fixed grant period, not due to temporary abnormal causes,

further Exchequer money will be added to the total annual sum available for distribution during the second fixed grant period to enable the ratio to be restored.

(f) At the end of seven years, the non-formula part of the grant will be reduced by one-third and the formula part will be increased.

(g) For the fourth fixed grant period there will be a further transfer from the non-formula part of the grant to the formula part.

(h) For the fifth and subsequent period the whole of the grant will be distributed on the formula basis.

10. APPLICATION TO LONDON.

(1) Certain modifications of the financial scheme will be required to meet the special circumstances of London.

(2) The proposals as regards grants for the first and second fixed grant periods are as follows—

(a) A grant will be allocated to the administrative county equivalent to 75 per cent of the loss of rates in the standard year of—

(i) The County Council.

(ii) The Common Council of the City of London.

(iii) The Metropolitan Borough Councils.

Together with the formula grant appropriate to the weighted population of the county.

(b) Out of the grant so allocated, a grant will be payable to (ii) and (iii) above, equivalent to 75 per cent of the loss of rates and grants in the standard year, together with one-third of the formula grant appropriate to its weighted population without the loading of unemployment.

(c) The balance will be the grant payable to the County Council.

(d) If the total grant payable to (i), (ii), and (iii) above does not exceed the aggregate loss of rates and grants in the standard year by a sum equivalent to 1s. per head of the actual population, the grant to the County Council will be so increased.

11. EXAMPLE OF THE FORMULA is given in Appendix B (page 238).

CHAPTER XXVII

BORROWING POWERS OF LOCAL AUTHORITIES

1. MANY works of public utility would not otherwise be undertaken without borrowing, owing to the heavy burden which would fall on the present generation, which is relieved by the system of loans. Except in certain special cases, local authorities have no general authority to raise money by way of loan. Their borrowing powers are limited to the provisions of statute law, which also regulate their loan procedure. *Authorizing Statutes*, which confer borrowing powers are set out in *Local Government of the United Kingdom* (Seventh Edition).

2. PRINCIPLES OF BORROWING—

(1) Local loans must be repaid within the maximum period sanctioned by the Government Department, or stated in the local Act.

(2) Discretion is left to Government Departments to decide the exact term within the statutory maximum for the redemption of each particular loan.

3. METHODS OF BORROWING by local authorities include mortgages, debentures, annuities, stock, utilization of sinking funds, bills of exchange, bank overdraft, municipal bank deposits, housing bonds, loans by Public Works Loan Commissioners, half gross proceeds of National Savings Certificates.

The Stock Regulations of 1891–1921 were amended in 1932.

4. MAXIMUM PERIODS OF BORROWING—

(1) Under Municipal Corporations Act, 1882: 60 years, as amended by the Local Government Act, 1929.

(2) Under Public Health Acts: 60 years.

(3) Under Local Government Act, 1888: 60 years as amended by the Local Government Act, 1929.

(4) Under special Acts for social betterment, e.g. land for housing purposes: 80 years.

(5) Under local Acts, for municipal trading enterprises, which may be non-remunerative for some years, further extension may be granted.

5. METHODS OF REPAYMENT prescribed by general law and majority of local Acts of Parliament are—

(1) *Instalment System*, i.e. equal annual instalments of principal together with interest on the sum remaining unpaid.

(2) *Terminal Annuity System*, i.e. equal annual instalments of principal and interest combined.

(3) *Sinking Fund System*, i.e. setting apart an annual sum and accumulating at compound interest.

6. STATUTORY PROVISIONS are given in detail in *Local Government of the United Kingdom* (Seventh Edition).

7. LOCAL AUTHORITY ECONOMY. In response to a request by the Chancellor of the Exchequer a special Committee representing the Associations of Local Authorities was set up in July, 1932, for the purpose of securing further economy in local expenditure.

CHAPTER XXVIII

ACCOUNTS AND AUDIT

A. ACCOUNTS

1. SYSTEMS OF ACCOUNTS.

(1) Accounts are invariably kept on a double-entry system.

(2) "Receipts and Expenditure" are referred to in—

(a) General Orders of the Local Government Board (now Ministry of Health).

(b) Public Health Act, 1875.

(c) District Auditors Act, 1879.

(d) Municipal Corporations Act, 1882.

(e) Local Government Act, 1888.

(f) Education Act, 1902.

(g) Local Government Act, 1929.

(3) "Receipts and Payments" is the term used in the Local Government Act, 1894, for Parish and District Council Accounts.

(4) "Income and Expenditure" Accounts are usually kept by—

(a) The larger Boroughs and Urban District Councils.

(b) The authorities who undertake any form of trading.

(c) The Housing Accounts Order, 31st March, 1920, provided that accounts must be kept on the basis of Income and Expenditure.

(d) Public Assistance Accounts Orders.

Income and Expenditure means that all amounts due in respect of a certain period should be brought to account in that period, although not actually received or disbursed before its close.

The Departmental Committee on Accounts of Local Authorities in 1908 proposed that this system should be extended to the accounts of all local authorities other than Parish Councils and Parish Meetings, and Lighting Inspectors.

(5) District Councils are largely subject to the detailed methods prescribed by the Ministry of Health Orders.

2. SEPARATE ACCOUNTS are prepared to show the Income and Expenditure in relation to each main division of an authority's activities and administration, e.g.—

(1) In respect of services associated with each rate or forming a distinct important activity.

(2) Trading enterprises.

(3) Where Acts of Parliament specifically require such separation, e.g. Education.

There is a growing tendency in the direction of local authorities incorporating in their local Acts the "Brighton Clauses," under which all income (including trading receipts) are made to form part of the General Rate Fund, and all expenses are paid out of that fund. The effect is to form one fund for income tax purposes and to receive the full benefit of set-off.

3. FORMS OF ACCOUNTS.

The Ministry of Health has large powers to prescribe, *inter alia*, the form of accounts of local authorities subject to audit by the District Auditor (see below), but in this connection the Ministry has generally prescribed only the form of Financial Statement to be submitted to the Auditors.

Regulations and Orders governing Accounts include—

(1) The Accounts (Boroughs and Metropolitan Boroughs) Regulations, 1930.

(2) The Public Assistance Accounts (County Councils) Regulations, 1930.

(3) The Housing Accounts Order (Local Authorities), 1930.

4. THE PERIOD AND DATES OF MAKING UP OF ACCOUNTS—

The Audit (Local Authorities), etc., Act, 1922, provides that where any enactment requires that any accounts subject to audit by district auditors are to be made up and audited half-yearly, those accounts shall be made up *yearly* to the 31st March, or such other date as the Minister of Health may by general or special order direct, and audited once a year.

5. INSPECTION OF ACCOUNTS BY RATEPAYERS—

(1) Parish Councils, Urban and Rural District Councils, and other Authorities to whom Section 247 of the Public Health Act, 1875, applies:

Accounts to be deposited seven clear days before audit, and during this time all persons interested may inspect them and take extracts from them without payment.

(2) Parish Meetings, Parish Councils, and Rural District Councils: It is provided by the Local Government Act, 1894, that any local government elector may inspect and take extracts from the books, accounts, and documents of the authorities, at all reasonable times, without payment.

(3) Urban District Council Accounts are to be open to inspection during the audit, in accordance with General Order of the 22nd March, 1880.

(4) Borough Councils. Under Section 233 of the Municipal Corporations Act, 1822, a burgess (now a local government elector) may inspect the minutes of the Council and orders for the payment of money, and may take extracts from them. Ratepayers may also inspect the abstract of the treasurer's accounts and may obtain copies at a reasonable price.

(5) County Councils. The provisions of the Public Health Acts and Municipal Corporations Act as to the inspection of the accounts are generally applicable to County Councils.

(6) Rating Authority. The Rating and Valuation Act, 1925, Sect. 60 provides that any ratepayer may at all reasonable times inspect and take copies of and extracts from any rate book, etc.

6. PUBLICATION OF ACCOUNTS.

(1) Parish Councils, and Parish Meetings, as well as Joint Committees of Parish Councils and Parish Meetings, are required to lay before the Parish Meeting a copy of the Financial Statement.

(2) Urban and Rural District Councils are required, after audit, to publish in local newspapers the fact that the audit is completed.

(3) Borough Councils are required to print a full abstract of the Treasurer's Accounts annually, after audit.

(4) County Councils generally follow the regulation prescribed for boroughs.

(5) The Electric Lighting Act, 1882, requires that the Electric Supply Account must be published annually and copies thereof sold at a price not exceeding one shilling.

B. AUDIT

1. BEFORE 1834 churchwardens and overseers were required to render accounts to two Justices of the Peace four days before the end of the year, and such accounts were to be verified on oath and open to inspection. Justices were empowered to examine accounts, disallow or reduce.

2. THE POOR LAW AMENDMENT ACT, 1834, provided that under an Order of the Poor Law Commissioners the Guardians were to appoint a "competent person" to be auditor, to hold office until removed by the Commissioners or by Guardians with the consent of the Commissioners. Audit by Justices remained, and they had power to allow what auditors disallowed.

3. THE POOR LAW AMENDMENT ACT, 1844, deprived the Justices of their audit powers. Auditor was to be appointed by Chairman and Vice-Chairman of the Board of Guardians. Poor Law Commissioners were empowered by Order to combine parishes and unions into districts for audit purposes.

4. THE GENERAL ORDER FOR ACCOUNTS, 1847, substituted half-yearly for quarterly audit. This was supplemented by Orders dated 18th November, 1850, and 16th March, 1854, being finally rescinded by THE GENERAL ORDER FOR ACCOUNTS, 14th January, 1867.

5. THE LOCAL AUTHORITIES (AUDIT) ORDER, 1929, consolidates previous Orders affecting Rural District Councils, Parish Councils, Parish Meetings, and Joint Committees.

6. THE AUDIT OF LOCAL AUTHORITY ACCOUNTS is now performed by—

- (1) District Auditors. (See below.)
- (2) Borough Auditors. (See "Borough.")
- (3) Professional Auditors. (See "Borough.")
- (4) Vestry Auditors in the case of some small bodies, such as burial boards.

7. THE STATUTORY PROVISIONS relating to audits are as follows—

- (1) District Auditors Act, 1879.
- (2) Municipal Corporations Act, 1882, Sec. 25, 26, 27, 28 and 62.
- (3) Local Government Act, 1888, Sec. 66, 71, and 73.
- (4) Local Government Act, 1894, Sec. 58.
- (5) Public Health Act, 1875, Sec. 245, 246, 247, and 250.
- (6) London Government Act, 1899, Sec. 14.

These sections are given in detail in *Local Government of the United Kingdom* (Pitman).

8. THE DISTRICT AUDITOR is "a competent person" appointed by the Ministry of Health to an audit district in England and Wales under the District Auditors Act, 1879. His duty is to ascertain that all income receivable has been duly accounted for; that everything stated to have been expended has actually been expended, and to determine whether the actual expenditure is truly stated and has been made in conformity with the law.

Salaries are paid by the Treasury, but local authorities whose accounts are under government audit contribute thereto by a duty, paid by a stamp on the auditor's certificate of their accounts.

In 1868 Parliament directed that future vacancies for auditors should be filled by the Local Government Board, now Ministry of Health. There are no statutory qualifications, but it is the practice to appoint barristers, qualified accountants, solicitors, and persons trained by a district auditor or in the office of the Minister of Health.

9. ACCOUNTS SUBJECT TO THE DISTRICT AUDIT—

- (1) Entire accounts according to authority—
 - (a) Parish Councils and Meetings.
 - (b) Urban District and Rural District Councils.
 - (c) Borough Councils (certain).
 - (d) County Councils.
 - (e) Rating and Valuation Authorities.
 - (f) Education Authorities.
 - (g) Joint Electricity Authorities.
 - (h) Public Assistance Authorities.

(2) *Ad hoc* according to functions—

- (a) Motor Tax Accounts.
- (b) Assisted Housing Accounts.

(3) Examination—

- (a) Services Grant-aided, e.g. Police.
- (b) Joint Superannuation Funds under the Local Government and Other Officers Superannuation Act, 1922.

10. PROCEDURE in relation to the audit is as follows—

Notice is given by the auditor to the Clerk to the Authority, and need be only seven clear days prior to the audit. The Clerk publishes the notice forthwith. The Financial Statement summarizing the accounts is submitted in duplicate, one copy of which is stamped. The auditor may summon before him any person liable to account, and may require the production of any necessary books and documents. Ratepayers have a right to be present, and to object to the passing of any item.

There are slight differences in procedure between the two audits, the most important being the power under the Poor Law of enforcing an extraordinary audit after three days' notice.

11. DISALLOWANCE AND SURCHARGE.

(1) The Public Health Act, 1875, Sec. 24 (1), provides that "any auditor acting in pursuance of this section shall disallow every item of account contrary to law and surcharge the same on the person making or authorizing the making of the illegal payments."

(2) The District Auditor possesses power of disallowance and surcharge, and also of charging upon persons amounts not brought into account or lost through their negligence or misconduct.

(3) The Local Authorities Expenses Act, 1887, provides that the District Auditor cannot disallow any expense allowed by the Minister of Health.

(4) Appeal from surcharge lies to the Minister of Health, or, alternatively, to move for a writ of *certiorari* in the King's Bench Division of the High Court of Justice.

12. THE AUDIT (LOCAL AUTHORITIES) ACT, 1927, provides that any person surcharged to an amount over £500 shall, subject to appeal to the High Court, be automatically disqualified for service on a local authority for five years.

SECTION VIII

Special Legislation

CHAPTER XXIX

LONDON

THE Local Government of London is specially organized as follows—

1.—**London County Council**, consisting of 124 representatives elected for three years, two from each of the sixty Parliamentary Divisions, and four from the City of London. There are also twenty aldermen.

Qualifications. The franchise on which the councillors are elected is now the same as that applicable to other local government authorities. Aldermen are elected by the councillors and hold office for six years. They need not be councillors but must be qualified for election as such. The Council has a Chairman, a Vice-Chairman, and a Deputy-Chairman. It usually meets weekly.

1. **POWERS AND DUTIES** are somewhat similar to those of a large provincial County Borough. The County Council—

(1) Is the central public health authority and maintains the main drainage system. The principal health functions, apart from the supervisory and co-ordinating ones are provision for diagnosis and treatment of venereal disease; residential treatment of tuberculosis; registration and supervision of lying-in-homes; local supervising authority under the Midwives Acts, authority under the Diseases of Animals Acts; central hospital authority.

(2) Maintains the fire brigade, the Thames Embankments, bridges (except those of the City Corporation), tunnels and ferries, parks and open spaces.

(3) Administers public education for the Administrative County.

(4) Executes street improvements and administers the Building Acts, and (concurrently with the Metropolitan Borough Councils) the Housing Acts.

(5) Provides approved schools, formerly reformatory and industrial schools, mental hospitals and inebriates' homes.

(6) Controls Metropolitan Borough Councils by approval of by-laws. Is a loan-sanctioning authority for the boroughs.

(7) Is, as from 1st April, 1930, responsible for the administration of public assistance.

2. TRANSFER OF POWERS. Provision is made by the Local Government Act, 1929, Sec. 64, for the transfer or delegation, by order of the Minister of Health, to Metropolitan Borough Councils and the Common Council of the City of London of functions of the London County Council, other than those transferred by Part I (Poor Law).

3. POWERS AND DUTIES are detailed in the Annual Report under the following groups—

- (a) Parliamentary Bills.
- (b) Boundaries, Representation and Elections.
- (c) Judicial Business.
- (d) Finance.
- (e) Rating and Local Taxation.
- (f) Public Protection.
- (g) Traffic.
- (h) Public Amenities.
- (i) Domestic.
- (j) Miscellaneous.
- (k) Public Assistance.
- (l) Care of the Insane, the Mentally Defective, and Inebriates.
- (m) Health Services.
- (n) Education.

4. DUTIES of the former Metropolitan Asylums Board included provision and maintenance of—

- (1) Isolation hospitals for London for pauper and non-pauper cases alike.
- (2) Sanatoria and hospitals for tuberculous patients whether persons insured under the National Insurance Acts or otherwise.
- (3) Ambulance service for the removal of patients.
- (4) Asylums for the mentally defective, as distinct from lunatics.
- (5) Training ship for boys for sea service under Metropolitan Poor Amendment Act, 1867.
- (6) Hospital accommodation for Sick and Convalescent Children of various classes under the poor law.
- (7) Casual wards for the poor administered prior to 1st April, 1912, by the separate boards of guardians.
- (8) Institutions for parturient women suffering from venereal disease.
- (9) Hospitals for treatment of certain cases of ophthalmia neonatorum.
- (10) Colony and home for sane epileptics.

5. PUBLIC ASSISTANCE. The Local Government Act, 1929, Sec. 4, required the London County Council to prepare a scheme for discharging functions transferred to the Council under Part I, Poor Law, of the Act.

An Administrative Scheme was adopted by the Council on the 16th July, 1929, as follows—

Part I contains definitions.

Part II is a Declaration as to the provision of certain assistance otherwise than by way of relief.

Part III refers to Committees transferred functions.

Part IV gives the constitution and functions of the Public Assistance Committee.

Part V provides for the division of the county into areas, the constitution of local committees and their functions.

Part VI reconstitutes the existing Public Health Committee as the Central Public Health Committee.

Parts VII to XI give additional duties to other Standing Committees.

Part XII relates to the delegation of duties and the application of the Standing Orders of the Council.

The Schedule to the Scheme contains particulars of the ten areas into which the county is divided for administrative purposes.

The Scheme was approved by the Minister of Health with minor modifications.

6. COMMITTEES are appointed of a character similar to those described in Chapter X relating to County Councils.

7. OFFICERS include those as appointed by provincial Councils, (*see* Chapter VIII), together with a Comptroller, Architect, Valuer, Solicitor, Chief Officer of Public Control Department, Parliamentary Officer, Chief Officer of Supplies, Chief Officer Mental Hospitals Department, Chief Officer Public Assistance, Chief Officer of Fire Brigade, Chief Officer Parks Department, General Manager of Tramways, Education Officer.

8. RATES are obtained by issue of precepts upon the City Corporation and the Metropolitan Borough Councils.

The Equalization Fund established in 1894 administered by the County Council was the distribution of 6d. per £ of rateable value amongst the local areas on the basis of population. It provided that a certain portion of the amounts expended on sanitary matters by the several London local authorities should be spread equally over the county. The Local Government Act, 1929, Section 98 (4), provided for the abolition of the Fund from 1st April, 1930.

9. ACCOUNTS are audited by the District Auditor of the Ministry of Health.

10. LOANS. The provision of Sec. 69 of the Local Government Act, 1888, relating to borrowing by County Councils does not apply to the London County Council. Borrowing by this authority is regulated by its annual Money Acts. This system dates from the Metropolitan Board of Works (Loans) Act, 1869, and the powers

were consolidated by the London County Council (Finance Consolidation) Act, 1912. Sec. 4 (1) of that Act limits the Council's expenditure on capital account to the sums specified in its annual Money Acts, and Sec. 4 (2) provides that money borrowed shall be repaid within such period not exceeding 60 years as the Council with the approval of the Treasury may determine.

Each year's Money Act authorizes the amounts to be expended during the financial year and the following six months, the six months' powers being superseded by the power subsequently obtained for the financial year. The Money Acts do not authorize the works on which expenditure is to be incurred, but only authorize and regulate the expenditure on works already authorized by general or special legislation.

11. LONDON SQUARES AND OPEN SPACES were the subject of a Royal Commission, which reported in September, 1928. It recommended that in the public interest all the enclosures, with the exception of five, should be permanently preserved as open spaces. See Chapter XVIII.

II.—The City of London Corporation is under the control of the Court of Aldermen, the Court of Common Council, and the Court of Common Hall.

1. THE COURT OF ALDERMEN consists of the Lord Mayor and Aldermen, who are *ex officio* Justices of the Peace. It is the only surviving example in England of a municipal second chamber. It makes the final selection of the Lord Mayor from the two nominees of the Court of Common Hall. Usually the one of longest standing who has not already passed the Chair, i.e. served as Lord Mayor, is chosen.

2. THE COURT OF COMMON COUNCIL consists of the Lord Mayor, 26 Aldermen, and 206 Common Councillors.

(1) *The Common Councillors* are chosen annually in different proportions in the twenty-six wards by the City electors, being persons who have a property qualification in the City.

(2) *Aldermen* are elected for life by the wards as follows—

(a) One for each of 24 of the wards;

(b) Two wards elect one between them, and

(c) The remaining Alderman sits for the nominal Ward of Bridge-Without.

(3) *Lord Mayor* is elected annually by the Court of Aldermen from two aldermen nominated by the Liverymen in the Court of Common Hall. (See par. 6 below.)

3. MEETINGS are usually held every fortnight.

4. COMMITTEES are appointed as in the case of provincial Boroughs. (See Chapter VIII.)

5. POWERS AND DUTIES of the Court of Common Council include

all the general powers possessed by the Metropolitan Borough Councils and

(1) Legislative power in so far that it can remodel its own constitution.

(2) Control of its own Police Force.

(3) Sanitary authority for the Port of London.

(4) Maintenance of the City Bridges, West Ham Park, Epping Forest, and certain other open spaces.

(5) Jurisdiction over all markets within seven miles of its boundary.

(6) Provision of its own mental hospital.

(7) Administration of the extensive trust funds of the City.

(8) Maintenance of the Lord Mayor's Court and the City of London Court for civil purposes for which the Court elects a Registrar.

(9) Criminal jurisdiction is administered in its own Police Courts, held daily at the Mansion House and Guildhall, presided over by the Lord Mayor and Aldermen sitting in turn.

6. THE COURT OF COMMON HALL is an assembly of the Lord Mayor, Aldermen, Sheriffs, and all the "Liverymen" members of the City Companies (see par. 7 below). Nominates two Aldermen for office of Lord Mayor, for submission to the Court of Aldermen for final selection.

7. LIVERYMEN are members of the City Livery Companies, which are survivors of the ancient Gilds and Associations of Craftsmen, such as the Goldsmiths, Stationers, etc. They have their own governing body consisting of the Master, Wardens, and Courts of Assistants. The Master and the Wardens are elected annually, vacancies in the Court being filled by co-optation. Persons appointed to the Court hold office for life. Any freeman of a Livery Company may claim the freedom of the City.

III.—Metropolitan Borough Councils.

1. There are twenty-eight Metropolitan Borough Councils, constituted by the London Government Act, 1899.

2. COUNCIL consists of Mayor, Aldermen and Councillors.

(1) *Councillors* in the different boroughs vary in number, and may be varied by the Secretary of State as provided by the Borough Councillors (Alteration of Number) Act, 1925. They are elected for three years, in wards, by local government electors, and all retire at the same time.

(2) *Aldermen* number one-sixth the number of Councillors, and are elected by Councillors. They hold office for six years, and one-half retire every three years.

(3) *The Mayor* is elected in the same way as in the Provinces.

3. MEETINGS are usually held once a month.

4. **COMMITTEES.**—Standing Committees are appointed. See Chapter VIII for purposes of comparison.

5. **POWERS AND DUTIES** are similar to those in provincial boroughs, as to which see Chapter VIII, but the London County Council undertake many important duties, as explained on pages 197–199. Among other duties the Metropolitan Borough Councils are responsible for

- (1) Sweeping, cleansing, lighting and maintenance of streets.
- (2) Collection and disposal of house refuse.
- (3) Drainage other than main sewers.
- (4) Provision and maintenance of public libraries, baths and washhouses, burial grounds, museums and gymnasia, disinfecting stations.
- (5) Enforcement of building by-laws and the laws against overcrowding, food adulteration, nuisances and insanitary conditions.
- (6) Administer (concurrently with the County Council) the Housing Acts, and the Maternity and Child Welfare Act, 1918.
- (7) Appoint school managers under the Education Act, 1921.
- (8) Management of trading undertakings, e.g. electricity generating and distributing stations.
- (9) Regulation of street trading and the issue of licences to street traders.
- (10) Registration of electors.
- (11) Valuation and assessment of property for rates.
- (12) Registration of births, deaths, and marriages. (Local Government Act, 1919, Sec. 27.)
- (13) Duties in regard to vaccination formerly performed by the Boards of Guardians.
- (14) Levy and collection of the General Rate, including the amounts required by the London County Council and Metropolitan Police.

The London County Council (General Powers) Act, 1929, Part XI, contained important provisions affecting metropolitan borough councils.

6. **OFFICERS** are similar to those in provincial boroughs. (See Chapter VIII.)

7. **RATES.** Collect the rates for all the other London bodies (see 5 (14) above), which issue precepts on the Borough Councils for their requirements. They do not collect water charges, but only the Deficiency Rate (if any) of the Metropolitan Water Board.

8. **ACCOUNTS** are made up annually and audited by the District Auditor of the Ministry of Health.

IV.—The Metropolitan Water Board.

1. **CONSTITUTED** under the provisions of the Metropolitan Water Act, 1902.

2. **BOARD** consists of 66 representatives nominated by the local authorities concerned, including—

- (1) London County Council, and five other County Councils.
- (2) Metropolitan Borough Councils and the Common Council of the City of London.
- (3) Councils of Boroughs and Urban Districts served by the Water Board.

3. **DUTIES** consist in administering the undertakings of the eight Metropolitan Water Companies which were expropriated under the terms of the Act. The Board serves an area of 574 square miles.

4. **FINANCE.** Deficiencies are met by precepts upon the constituent authorities. Funds may be borrowed for the performance of the duties with the consent of the Minister of Health.

V.—Port of London Authority.

1. **CONSTITUTED** under the Port of London Act, 1908.

2. **AUTHORITY** consists of 10 appointed and 18 elected members. The Chairman and the Vice-Chairman of the Authority may, but need not, be elected or appointed members. Elected members are returned on a plural system, payers of dues having from one to fifty votes, according to the amount of dues paid, and wharfingers from one to ten votes according to the rateable value of their premises, whilst owners of river craft have from one to ten votes according to the number of vessels they possess.

3. **DUTIES** include the management of the undertakings transferred as from the 31st March, 1909, viz., Thames Conservancy; London & India Docks Company; Surrey Commercial Dock Company; Millwall Dock Company; and Watermen's Company, which, until 1908, licensed all lightermen navigating the river.

VI.—The Thames Conservancy Board.

1. **CONSTITUTED** by Act of Parliament in 1854, and re-constituted by the Port of London Act, 1908, and again re-constituted as from 1st April, 1931.

2. **AUTHORITY** consists of 31 members appointed by local authorities and Government Departments, together with a maximum of three additional members appointed by the Minister of Agriculture and Fisheries to represent internal drainage boards in the catchment area.

3. **DUTIES** relate mainly to the maintenance and improvement of the navigation and the prevention of pollution.

VII.—The Lee Conservancy Board.

1. **AUTHORITY** consists of 15 members of whom 14 are elected by local authorities and one by the barge-owners on the river.

2. DUTIES are similar to those of the Thames Conservancy Board.

VIII.—Greater London.

Consequent upon representations made by the London County Council, a Royal Commission, presided over by Viscount Ullswater, was appointed in October, 1921, to inquire and report on the local administration of Greater London. The Reports are dealt with in *Local Government of the United Kingdom* (Seventh Edition), (Pitman).

IX.—London Transport.

(1) The London Traffic Act, 1924, provided for the constitution of the London and Home Counties Traffic Advisory Committee to assist the Minister of Transport in connection with the London traffic problem. The Committee was re-constituted in 1932.

(2) This Committee published, in 1927, a Transport Co-ordination Scheme which provided for the common management of passenger transport undertakings operating wholly or partly within the London traffic area.

(3) Legislation with the object of enabling the London County Council's tramways to be included in the proposed scheme was, however, rejected by Parliament in 1929.

(4) The London Passenger Transport Bill, 1932, provides for the transfer to a Transport Board of the various municipally-owned and privately-owned transport undertakings on terms to be agreed in accordance with the Bill. The Bill is now in Committee of the House of Commons.

X.—London and Home Counties Joint Electricity Authority.

(1) Constituted in 1925 by Order of the Commissioners under Section 7 of the Electricity (Supply) Act, 1919.

(2) The Electricity District comprises the City of London, the Counties of London and Middlesex, and parts of the home counties.

(3) The Joint Authority is composed of representatives of the County Councils, Local Authority undertakers, company undertakers, and power companies supplying electricity within the area, and others.

(4) The object in view was the setting up of a central administrative and co-ordinative authority to ensure the supply of electricity on economic terms by means of a standardized system.

(5) In 1971, the assets of company undertakings will be transferred to the Joint Authority pursuant to the provisions of the London Electricity (No. 1) and (No. 2) Acts, 1925.

CHAPTER XXX

SCOTTISH LOCAL AUTHORITIES

1. SCOTTISH LOCAL GOVERNMENT

Has always developed upon lines distinct from those in England and Wales. Probably due to the recognition of the ancient powers which had been conferred on the Scottish local authorities by the Scottish Parliament, prior to the Act of Union, 1707.

2. CENTRAL DEPARTMENTS

Are principally houses at Edinburgh, but the office of the Secretary of State for Scotland is in Whitehall, London. The principal officers are—

(a) *The Secretary of State for Scotland.* Office of Secretary for Scotland established in 1885. Status raised to that of a Secretary of State in 1926, with a Parliamentary Under Secretary of State. The powers include—

(i) Powers previously held by the Privy Council, the Home Office, the Treasury and the Local Government Board of England.

(ii) President of the Scottish Education Department.

(iii) President of the Scottish Board of Health.

(b) *The Lord Advocate* is the legal representative of the Crown in Scotland and legal adviser to the Secretary of State.

(c) *The Department of Health for Scotland* was established by the Reorganisation of Offices (Scotland) Act, 1928, when it replaced the Scottish Board of Health. It has had transferred to it the powers and duties of the

(i) Local Government Board of Scotland, the Scottish Insurance Commission, the Privy Council, and the Lord President of the Council under the Midwives (Scotland) Act, 1925;

(ii) Secretary of Scotland under the Rivers Pollution Acts, the Births, Deaths and Marriages Acts, the Burial Grounds Acts, the Vaccination Acts and the Highlands and Islands (Medical Service) Grant Act, 1913;

(iii) Scottish Education Department with respect to medical inspection and treatment of children and young persons.

(d) *The Scottish Education Department* is the central authority for education in Scotland.

(e) *The Department of Agriculture for Scotland.* There are separate Boards of Agriculture and of Fisheries for Scotland.

(f) *The Fishery Board of Scotland* was established in 1882 for

the purpose of taking over the duties of the Board of British White Herring Fishery.

(g) *The General Board of Control for Scotland* received its name in 1913 when the constitution of the General Board of Commissioners in Lunacy was slightly modified.

(h) *The Commissioners of Northern Lights* are responsible to the Board of Trade.

3. LOCAL AUTHORITIES.

(1) *The Local Government (Scotland) Act, 1929*, has fundamentally altered the constitution of local government in Scotland. Broadly speaking, the local authorities are now regulated by the Burgh Police Acts and the Local Government (Scotland) Act, 1929.

(2) *Scheme of Administration.* The Act of 1929 provided that

(i) The County Council of every county; and

(ii) The Town Council of every large burgh

should on or before 31st March, 1930, prepare and submit to the Secretary of State a scheme or schemes of administrative arrangements relating to (a) education, (b) poor law, (c) public health, (d) lunacy and mental deficiency; and (e) in the case of a county council, roads.

(3) *Large Burgh* is defined by sec. 77 of the 1929 Act as a burgh containing a population of 20,000 or upwards, and includes the burgh of Arbroath. A Small Burgh means any burgh other than a large burgh.

(4) *Committees* must be provided for in the scheme for the purpose of any function to which the scheme relates.

(5) *Delegation* of powers of County Council to

(i) Town Council of any small burgh,

(ii) District Council,

(iii) Joint Committee,

as agents for the County Council.

(6) *Qualification* of county councillors is provided by Sec. 9 (2) of the 1929 Act. Candidates must be—

(a) Registered as an elector entitled to vote at any election of a county council for an electoral division of the county, or as an elector entitled to vote at an election of town councillors of any burgh included within the county for any purpose; or

(b) Is a person of full age and not subject to any legal incapacity and has, during the whole of the twelve months preceding the election, resided within the county, including such burgh as aforesaid.

(7) *Disqualifications* apply as in English local authorities, but a person in Scotland is not disqualified from being a councillor on account of being in receipt of Poor Relief.

4. **BURGHs**, which are the equivalent of the provincial Boroughs in England and Wales, are of three classes, viz.—

(1) *Royal Burghs* which were incorporated by Royal Charter.

(2) *Parliamentary Burghs* which were created under the Reform Act, 1832, and received the right of sending members to Parliament.

Broadly speaking, Royal and Parliamentary Boroughs correspond to County Boroughs in England and Wales. Prior to the Act of 1929 they were independent of the County Council except for maintaining a police force where population was less than 7,000 or where they did not maintain a separate police force.

(3) *Police Burghs* consist of towns of 700 inhabitants and upwards, constituted under a General Police Act. Roughly, they are the equivalent of the urban districts and non-county borough councils in England and Wales. (*Burgh Police (Scotland) Act, 1892, Sec. 4 (26).*)

THE BURGH COUNCIL consists of the Provost, Bailies, and Councillors, elected in accordance with the Town Councils (Scotland) Act, 1900. The Provost and Bailies are elected in the usual way, and are afterwards appointed to their respective offices by the Council.

(a) **PROVOST**, who is the equivalent to the Mayor in England and Wales, holds office for three years, and is unpaid.

(b) **BAILIES**, equivalent to Aldermen in England and Wales, are elected by the whole Council, and retain office for the same period as originally elected as councillors. They are magistrates, and in towns of over 7,000 inhabitants they constitute the Licensing Bench. (*Licensing (Scotland) Act, 1903, Sec. 2.*)

(c) **COUNCILLORS** are elected as in England and Wales every November, and hold office for three years, one-third retiring annually.

MEETINGS are usually held monthly, but in Glasgow they are held fortnightly.

POWERS AND DUTIES relate to public health, housing, street cleansing, and lighting, police and fire protection, baths and wash-houses; maintenance of roads, bridges, parks, gardens, public buildings, and the administration of Acts relating to registration, (in large Burghs only), weights and measures, and valuation.

COMMITTEES are appointed, the Chairmen of which are termed Conveners, except only the Dean of Guild Court, whose Chairman is called the Dean of Guild. The Dean of Guild Court by which the Building Acts are administered, is both a Committee of the Council and in some burghs an ancient Court of the Realm.

5. **COUNTY COUNCILS** were established by the Local Government (Scotland) Act, 1889. They are the equivalent of the County Council in England and Wales.

County Councillors are elected for electoral divisions, being either: (a) a parish, or (b) part of a parish, or (c) a combination of two or more parishes, or (d) part of a Police Burgh.

County Councils replaced the Commissioners of Supply, and the new powers and duties included: (a) appointment of medical officers and sanitary inspectors; (b) powers under the River Pollution Acts; (c) power to promote and oppose bills in Parliament; (d) powers to make by-laws against vagrancy and nuisances; (e) financial provisions relating to estimates, rates, and audit.

County Councils, as successors of the Commissioners of Supply, have charge of the roads, bridges, public health, police, etc., but have no control over Burghs with 20,000 population, except for education.

The Act of 1929, sec. 8, provided that the County Council should be reconstituted as follows as from the 1st October, 1929—

(a) The County Council shall consist of members elected for the landward area, and of members representing the burghs (including police burghs) included within the county for any purpose whether under this or any other Act.

(b) The members representing the landward area of the county shall be elected for the electoral divisions of the county (not being police burghs or part of police burghs).

"Landward area" means any portion of the county not included in a burgh.

(c) The members representing the burghs shall be elected by the Town Councils of the burgh, and for that purpose the provisions of Sec. 8 of the Local Government (Scotland) Act, 1889, shall apply with the necessary modifications to all the burghs. The Secretary of State has power by order to determine the number of members of the County Council.

(d) The Local Government (Scotland) Act, 1929, Sec. 17, provides that a County Council may incur expenditure in paying allowances in respect of travelling and other personal expenses necessarily incurred and time necessarily lost from ordinary employment by members of the council, or of any committee or sub-committee, thereof in attending meetings of such council, committee, or sub-committee.

The Act of 1929, Sec. 10, and the Second Schedule makes provision for combining counties for certain purposes.

Committees. The Act of 1929, Sec. 12 (2), provides that every County Council shall appoint committees for the purpose of their functions relating to (a) police and (b) poor law, as well as the Education Committee referred to in the section on Education. All matters relating to the exercise by a County Council of their functions (other than functions relating to the raising of money

by rate or loan) relating to (a) education, (b) police, and (c) poor law, shall stand referred to the appropriate committee.

Power of Delegation. The Act of 1929, Sec. 13, provides that a County Council may, on such terms and conditions as the councils may agree, appoint—

- (a) The Town Council of any small burgh within the county; or
 - (b) The District Council of a district within the county; or
 - (c) A Joint Committee of such a Town Council or District Council (of which Joint Committee the members of the County Council for the burgh and district shall be members);
- to act as the agents of the county council to carry out any function (other than a function relating to education or police and unless with consent of the Central Department relating to any form of surgical or medical treatment) vested in the County Council and exercisable within the small burgh or district, or small burgh and district as the case may be.

The Chairman of the County Council is elected annually by and from the members, and is called the Convener of the County.

THE COUNTY COUNCIL REPLACED—

(a) The Commissioners of Supply which by the Act of 1929, sec. 5 (5), are dissolved.

(b) The Local Authority under the Contagious Diseases (Animals) Act.

(c) Local Authority under the Public Health Acts in respect of nuisances, diseases, drainage, and water supply in respect of work previously done by Parochial Boards.

(d) Justices of the Peace, including all their administrative powers, such as those in relation to: (a) gas meters; (b) explosive substances; (c) weights and measures; (d) habitual drunkards; (e) wild birds; (f) appointment of visitors to asylums.

The new powers and duties which were conferred upon the County Councils by the Act of 1889 included—

(a) Appointment of fully-qualified medical practitioners and fully-qualified and experienced sanitary inspectors.

(b) Powers under the Pollution of Rivers Acts.

(c) Power to promote and oppose Bills in Parliament.

(d) Power to make by-laws against vagrancy and nuisances not already punishable.

(e) Financial provisions relating to estimates, rates, and audit. A consolidated rate was provided, the demand note for which must contain details of the separate amounts due in respect of each service.

THE LOCAL GOVERNMENT (SCOTLAND) ACT, 1929, Sec. 2—

(1) Transfers to the County Council of the county—

(a) All the functions of the District Committees of the districts within the county.

(b) The functions of Town Councils of small burghs within the county as local authorities for the purposes of the statutory provisions set out in Part I of the First Schedule to this Act.

(c) The functions of the Town Councils of small burghs within the county as highway authorities so far as related to classified roads.

(d) All the functions of the Commissioners of Supply of the county.

(e) The functions of the Town Council of any burgh under the Burial Grounds Acts and the Cremation Act, 1902, exercisable in respect of areas outside the Burgh and in the County.

(f) The functions of the Town Council of any large burgh under the Registration of Births, Deaths, and Marriages Acts so far as relating to any area without the burgh and within the county.

(2) It shall be lawful for the Secretary of State by order to transfer to the County Council of a county the functions of the Town Councils of the small burghs within the county as local authorities for the purpose of certain statutory matters.

(3) Where any road vested in the Town Council of a small burgh becomes a classified road, the road becomes vested in the County Council.

(4) The County Council may exercise the power of appointing general commissioners, transferred from the Commissioners of Supply, at any general meeting of the council, the notice of which has specified the appointment as an item of business.

Section 3 provides that the County Council of a county shall be the education authority for the purposes of the Education (Scotland) Acts, 1872 to 1928, for that county, excluding the area of a burgh being a county of a city.

A county clerk may appoint one or more persons approved by the County Council to act as his depute or deputies, and all things required or authorized by law to be done by or to the county clerk may be done by or to any depute county clerk so appointed. (Local Government (Scotland) Act, 1929, Sec. 43.)

6. DISTRICT COUNCILS are established in accordance with the Local Government (Scotland) Act, 1929, Sec. 25.

(1) County Council on or before 1st February, 1930, to prepare and submit to the Secretary of State for his approval a District Council scheme.

(2) Scheme to divide landward part of the county into districts so that each district shall comprise one or more electoral divisions.

(3) District Council constituted of number of members specified in the scheme consisting of—

(a) The members of the County Council for the electoral divisions *ex officio* members.

(b) The other members elected for the electoral division within the district or wards forming part thereof as provided by the scheme.

(c) First election 8th April, 1930, and members hold office until first Tuesday of December, 1932.

(4) District Council is incorporated under the name of the District Council of the District.

(5) *Officers.* The clerk, who shall hold office during the pleasure of the Council.

(6) Meetings in accordance with the Local Government (Scotland) Act, 1894, applicable to Parish Councils.

(7) *Accounts* in accordance with the provisions of

(a) The Local Government (Scotland) Act, 1889 (relating to the accounts of the County Council) and

(b) The Third Schedule of the Act of 1929.

(8) *District Council Rate* in lieu of the special parish rate leviable under Part IV of the Local Government (Scotland) Act, 1894.

7. THE EDUCATION AUTHORITY was established by the Education (Scotland) Act, 1918. Under Section 3 of the Act of 1929, the Education Authority will be in future—

(1) The Town Council of a burgh being a county of a city, and

(2) The County Council of a county.

And each authority shall, under a scheme made by it and approved by the Scottish Education Department, constitute an *Education Committee*, and every scheme shall provide

(a) For the appointment by the County or Town Council of at least a majority of the committee from persons who are members of the council;

(b) For the appointment by the council of persons of experience in education and of persons acquainted with the needs of the various kinds of schools in the area for which the council act;

(c) For the inclusion of women as well as men among the members of the committee; and

(d) As respects the first Education Committee to be appointed, for the inclusion of one or more members of the outgoing Education Authority.

CHAPTER XXXI

SCOTTISH LOCAL GOVERNMENT FINANCE

INTRODUCTION

THE Scottish system of local finance differs in many respects from that of England and Wales. The salient points of difference will be found incorporated in this chapter, and are dealt with in the same order as those matters are treated in the sections relating to England and Wales, thus facilitating easy reference, viz.—

1. Valuation and Rating.
2. Grants in Aid.
3. Borrowing Powers.
4. Accounts and Audit.

1. SCOTTISH VALUATION AND RATING

1. SCOTTISH VALUATION is regulated by the Valuation (Scotland) Act, 1854, and subsequent statutes.

RATING is regulated by the Rating (Scotland) Act, 1926, which amended the law with respect to rating, the Rating and Valuation (Apportionment) Act, 1928, and the Local Government (Scotland) Act, 1929.

SCOTTISH VALUATION AND RATING is regulated by the Rating (Scotland) Act, 1926, which amended the law with respect to rating.

(1) *Rating Authority*, as constituted by the Act of 1926, is—

- (a) The Town Council of a burgh; and
- (b) The County Council of a county.

(2) *Valuation Roll* is compiled in the form shown in the text-book, in accordance with—

- (a) The Rating (Scotland) Act, 1926, Sec. 14 (1), as amended by
- (b) The Rating and Valuation (Apportionment) Act, 1928, Sec. 9 (3);
- (c) The Local Government (Scotland) Act, 1929, Sec. 49 (1).

The Roll contains all lands and heritages, whether tenanted or untenanted.

(3) *Local Assessors* prepare the Valuation Roll in large burghs. It is permissible to appoint an Inland Revenue officer as a local assessor. If this is done—

- (a) The valuation is conclusive for Imperial as well as local purposes; and
- (b) The Crown pays the expenses of making up the Roll.

If the Government assessor be not appointed, these two provisions are, of course, not operative.

(4) *Supplementary Valuation Roll* may be made in respect of the limited number of cases in which a domestic water rate is leviable within a county district under the Public Health (Scotland) Amendment Act, 1891, in respect of agricultural subjects.

(5) Special provision must be made by the assessor to distinguish in the Valuation Roll subjects situated within the area of each District Council.

(6) *The Mode of Ascertaining Yearly Value* is similar to that obtaining in England, but generally it represents the actual rent paid, except—

(a) In case of a lease having an endurance of over 21 years, or, in the case of minerals, 31 years, the lessee is entered in the Roll as proprietor; and

(b) Where a “grassum” (equivalent to premium or fine in England) or other consideration in addition to rent is paid; and

(c) Where no rent is payable, e.g. an owner occupier, the methods of ascertaining the valuation vary according to circumstance, and may be any one of the following—

(i) By comparison with other let subjects possessing similar elements of value.

(ii) By the “Contractor’s Principle,” i.e. an estimate based on the actual cost. This is not a very satisfactory method, but is employed for valuing public buildings.

(iii) By the “Revenue Principle,” i.e. assuming a rent equivalent to gross revenue less outgoings. This method is followed in dealing with railways, tramways, gas works, electricity works, etc.

In these cases an estimate is made of the rent which would be payable under normal conditions.

(7) *Procedure in Preparing Valuation Roll.*

(a) Prior to 15th May the assessor issues a schedule to every owner of property, requiring him within fourteen days to complete and return it, giving particulars of all properties, with names of tenants and occupiers and the rents or valuations; penalty for failure to make the return, £20; penalty for false return, £50.

(b) Assessor annually makes up Roll on or before 15th August.

(c) By 25th August, assessor furnishes each person on Roll with copy of entry relating to such person’s valuation, unless previous entry is not altered.

(d) Assessor retains the Roll until 8th September; up to this date assessor may correct any errors in the Roll.

(e) Then he transmits it to the County or Town Clerk.

(f) Thereafter it is open to public inspection.

(g) Appeals are heard and determined by 30th September, and the necessary alterations, consequent upon appeals, made in the Roll.

(h) Roll is transmitted periodically to the General Register House in Edinburgh for preservation.

(i) The Roll remains in force from Whit-Sunday to Whit-Sunday following date of its completion.

(j) Special regulations apply to railway valuations.

(8) *Rating and Valuation (Apportionment) Act, 1928.* Applies to Scotland as to England, with certain necessary modifications.

(a) Under the Act of 1928, industrial lands and heritages are defined, Sec. 3 (1), as including—subject to certain limiting provisions—lands and heritages occupied and used as a factory or workshop within the meaning of the Factory and Workshops Acts.

(b) Such include a factory or workshop where the only person working therein is the owner or occupier.

(c) Under Sec. 46 (2) of the Act of 1929, the following subjects are to be treated as industrial lands and heritages occupied and used wholly for industrial purposes—

(i) Salmon fishings, so far as the right thereto is exercised by net or cruive, where such right of fishing by net or cruive is regularly exercised throughout that part of the year during which that method of fishing is permitted by law, and where no revenue is derived by the owner or occupier from any other method of fishing in the said part of the year; and

(ii) Minerals which are let notwithstanding that they are not being worked at the time.

Under Sec. 9 (12) of the Act of 1928, minerals that are being worked are to be treated as lands and heritages occupied as a mine, and are therefore within the definition of industrial lands and heritages. Accordingly, all minerals entering the Valuation Roll will now fall to be treated as industrial lands and heritages.

(9) *Consolidated Rate* is provided by the Act of 1929. Every demand note in respect of the consolidated rate shall show the amount of the expenditure under each of the branches prescribed by the Secretary of State which is being defrayed out of the said rate and grants under Part III of this Act.

(10) *The Burgh Fund* includes all moneys raised by the consolidated rate and all other revenues receivable by the rating authorities, which, in the case of a burgh, are paid into that Fund.

(11) *Contributions by Burghs to County Councils.*

(a) County Council annually, not later than 15th July, to

send requisition to the Town Council of each burgh within the county.

(b) Town Council to pay over to the County Council—

- (i) at such intervals, and
- (ii) by such instalments as are agreed upon, or, failing agreement, as Secretary of State may determine;
- (iii) Last instalment shall be payable not later than the first day of May.

2. SCOTTISH GRANTS IN AID

The system of Scottish Grants in Aid was somewhat similar to that of England. The Act of 1929, Part III, reconstructed the system of Exchequer Grants on a similar basis to that of England, but with certain necessary modifications.

(1) General Exchequer contributions provided for under Sec. 53 of the Act, 1929.

(2) The amount shall be periodically revised.

(a) The First Fixed Grant Period is for a period of three years, beginning on the 6th May, 1930.

(b) The First Revision shall be for a period of four years from the expiration of the first period.

(c) The Subsequent Revision shall be for a period of five years from the expiration of the previous period.

(3) The amount of the General Exchequer contribution shall be the sum of the following amounts—

(a) An amount equal to the total losses on account of rates of all counties and large burghs.

(b) An amount equal to the total losses on account of grants of all counties and large burghs.

(c) In respect of each year in the first fixed grant period, £750,000.

In respect of each year of every following fixed grant period, such amount as Parliament may hereafter determine.

(4) PAYMENT OUT OF ROAD FUND.

3. THE BORROWING POWERS OF SCOTTISH LOCAL AUTHORITIES

The position of Scottish local authorities differ under the general law from that of the local authorities in England and Wales.

(1) SANCTION to borrow and maximum periods are specified within these Public Acts or Local Private Acts.

(a) Within these limits local authorities may generally proceed as they like in the matter of raising loans.

(b) The Act of 1929, Sec. 23, provides that any sums borrowed by a County or Town Council shall be borrowed upon the security of all funds, rates, and revenues of the Council.

(c) The Council shall not, without the consent of the Central

Department, borrow money for the purpose of meeting any expenditure of a capital nature, unless the resolution to borrow has been agreed to by two-thirds of the members of the Council present and voting at the meeting at which such resolution is passed.

(2) MAXIMUM PERIODS OF REPAYMENT. Usually 30 to 33½ years, e.g. under the Burgh Police Acts, 1892 to 1903, but 80 years for land in some cases.

(3) PERMANENT LOCAL DEBT permitted in a few cases, e.g.—

(a) Old debts on the security of the Common Good.

(b) Annuities issued or taken over as part of the purchase price of commercial undertakings.

(4) TEMPORARY BORROWINGS.

(a) To meet deficiencies arising pending the collection of assessments.

(b) To afford relief to County and Town Councils of large burghs in respect of loans of Parish Councils under—

(i) Poor Law Emergency Provisions (Scotland) Act, 1921.

(ii) Local Government (Scotland) Act, 1929.

(5) MORTGAGES issued by local authorities in Scotland are trust securities, including Local Bonds under Housing (Scotland) Act, 1925, as confirmed by the Act 1929, Sec. 23 (1).

(6) SCOTLAND TRUSTEE SECURITIES. The law is codified in the Trust (Scotland) Act, 1921, and is given in detail in *Local Government of the United Kingdom* (Sixth Edition).

4. SCOTTISH ACCOUNTS AND AUDIT

(1) Accounts in Scotland are under greater central control and more minute prescription of detail than in England. Detailed financial statements are prescribed, which require a uniform system of accountancy to complete the annual statements, which are made up to Whit-Sunday (15th May).

The special provisions relating to each authority are as follows—

(a) *County Councils* under the Local Government (Scotland) Act, 1889, Sec. 68, have a form of abstract of accounts prescribed by the Secretary of State, as amended by the Local Government (Scotland) Act, 1929.

(b) *Cities and Burghs* under the Town Councils (Scotland) Act, 1900, Secs. 91-93, as amended by the Local Government (Scotland) Act, 1929.

(c) *District Councils* under the Local Government (Scotland) Act, 1929, Sec. 26 (4), which incorporates Sec. 68 of the Act of 1889, relating to Accounts of County Councils with the necessary modification.

(2) AUDIT. The audit of the accounts of County Councils, Town Councils, and District Councils is provided for by the Act of 1929, Secs. 15 and 16, and the Third Schedule.

CHAPTER XXXII

NORTHERN IRELAND

NORTHERN Ireland was established as a self-governing unit of the United Kingdom in pursuance of the Government of Ireland Act, 1920.

It comprises the six administrative counties of Antrim, Armagh, Down, Fermanagh, Londonderry, and Tyrone; two County Boroughs, viz. Belfast and Londonderry; two Boroughs, viz. Bangor and Coleraine; thirty Urban Districts and thirty-two Rural Districts.

For the purposes of central government a Parliament comprising a House of Commons and a Senate has been established, with a Government consisting of a Prime Minister, Minister of Finance, Minister of Home Affairs, Minister of Labour, Minister of Agriculture, Minister of Education, and Minister of Commerce.

The Minister of Home Affairs is responsible for services relating to local government, roads, and road traffic, police, prisons, justice, law and order, and ancillary questions. In other words, the duties attached to the Department over which the Minister of Home Affairs presides correspond to the duties which are performed by the following Imperial Departments—

Home Office, Ministry of Health, and Ministry of Transport.

In so far as the administration of local government services is concerned, the system in Northern Ireland has not changed materially since the establishment of the Government of Northern Ireland, and accordingly remains much the same as the system which prevailed in England up to the passing of the recent Local Government Act transferring the duties of Boards of Guardians, etc., to County Councils.

In other words, the machinery of local government is still vested in County Councils, Urban District Councils, Rural District Councils, and Boards of Guardians with their various committees.

POWERS AND DUTIES OF COUNTY COUNCILS.

- (1) Manage administrative and financial business of the county.
- (2) Making, levying, collecting, and recovering of poor rate, other than for a county borough, borough, or urban district.
- (3) Maintain lunatic poor, and county infirmaries and fever hospitals.
- (4) Construct and maintain roads and other public works.
- (5) Registration of, and issue of licences for, motor-cars and road locomotives; and issue of motor drivers' licences.

1923 prescribed a minimum valuation of £5 in the case of land or premises, other than dwelling-houses, as a condition precedent to becoming eligible as a local government elector. The Representation of the People Act, 1928, assimilated the Parliamentary and Local Government Franchise of men and women, and introduced the principle of according to Limited Liability Companies votes at Local Government Elections.

HOUSING. Since 1923, various Acts have been passed with the object of encouraging local authorities and private builders to erect houses of a prescribed type for the accommodation of the working classes. It was estimated at the time of the establishment of the Government of Northern Ireland that there was a shortage of approximately 20,000 houses. With the object of remedying this evil, the Acts referred to above provided for lump sum grants of varying amounts, payable to the builders on the satisfactory completion of the houses, with a corresponding power to local authorities to supplement the Government grants.

At one time as much as £100 per house was paid by the Government, with an additional £40 by the local authority. At the present time (May, 1932) upwards of 25,000 houses have been erected under these Acts, and the Government grant has now been reduced to £25 with power to the local authorities to allow a further £25.

MOTOR TRAFFIC. In 1926 an Act was passed which transformed the whole system in regard to motor traffic in Northern Ireland. The Act amended the Motor Car Act of 1903 and other analogous statutes in certain respects, i.e. by abolishing the old 20-mile an hour speed limit; by requiring applicants for motor licences to make declarations of physical fitness; by imposing heavier penalties on the more serious offences of (a) dangerous driving, and (b) drunkenness in charge of a car; and by reducing the penalties for technical and minor offences. In addition the Act established a central system and scheme of licensing and regulation of public service vehicles and their drivers and conductors. Under this Act all operators of public service vehicles have to comply with certain conditions as to fares, routes, and services, and have also to keep their vehicles in a proper and fit state of repair. By a further Act passed in 1929 the principle of regulating public service vehicle traffic was extended as regards the prescription of roads, the arranging of time-tables, and the fixing of fares.

The Motor Vehicles Road Traffic Act, 1930, prohibits the use of motor-cars unless there is in force in relation thereto a policy of insurance against third party risks.

RENT RESTRICTIONS. Several Acts have been passed, the

general effect of which has been that houses with valuations of between £52 and £78 became decontrolled on the 1st November, 1926; houses with valuations between £26 and £52 became decontrolled on the 1st May, 1928, while houses with valuations of £26 and under will not become decontrolled until 1933.

Under the provisions of an Act passed in 1932 this period has been extended from 1933 to 1936.

ROADS AND ROAD DEVELOPMENT. Two important Acts, i.e. the Roads Act of 1923 and the Roads Improvement Act of 1928, have been passed by the Parliament of Northern Ireland with the object of improving the road systems in the Province. Under the Act of 1923, Urban District Councils were constituted as independent road authorities, while under the Act of 1928 arrangements were made for simplifying the procedure for the acquisition of land by road authorities in cases where it was necessary to widen or round off corners. Powers were also accorded road authorities to have hedges cut in cases where they obstruct the view; also to prescribe building lines; to provide parking places and to regulate the erection of petrol pumps on the road side; to restrict the placing of beams, rails, etc., over streets.

Proposals for Local Government Reform

Shortly after the establishment of the Government of Northern Ireland a Commission was set up to inquire into the whole system of local government with the object of submitting recommendations as to reforming the system in such a way as to evolve greater efficiency, co-ordination, and economy.

The Commission submitted a Report to Parliament in October, 1927, and its recommendations involved generally the abolition of unions and boards of guardians and the reorganization of the Poor Relief Services on a county basis, under County Council control, with the county as the area of charge.

The Commission also recommended that the Public Health Services should be reorganized and co-ordinated on a county basis, with county Medical Officers of Health in each county.

The recommendations made by the Commission had to be reconsidered in the light of the introduction of the principle of Derating and of the principle of Medical Benefits which were recently introduced, and as it has become apparent that the reorganization of the Local Government Services on the lines suggested by the Commission might tend to increase expenditure in certain directions, it has been decided, in view of the present condition of financial stringency, to defer taking any steps at present in the direction of a comprehensive reorganization of the system.

CHAPTER XXXIII

IRISH FREE STATE

THE Government of Ireland Act, 1920, provided for the establishment of Parliaments for Southern Ireland (twenty-six counties) and Northern Ireland (six counties) and also for a Council of Ireland. In 1921, the Parliament of Northern Ireland was elected and opened, but outside the six northern counties the Act proved abortive. In December, 1921, an Agreement for a Treaty between Great Britain and Ireland was signed. This Treaty was ratified by a majority of Dáil Eirann (Chamber of Deputies) in January, 1922, and was embodied in the Irish Free State (Agreement) Act, 1922. Northern Ireland availed of the option which was given of continuing as a separate entity under the Act of 1920 subject to the boundary being determined by a Boundary Commission. In 1925 it was agreed that the boundary should remain as fixed by the Act of 1920 and, at the same time, the provisions of the Treaty with regard to the Council of Ireland were cancelled.

The principal local authorities in the Irish Free State (Saorstát Eirann) are—

The county council, the county borough council, the borough council, the urban district council, town commissioners, the board of health and public assistance, the vocational education committee and the mental hospital committee.

The county council is charged with administration of county affairs generally, including construction and maintenance of roads, administration of enactments relating to diseases of animals, public libraries, food and drugs, weights and measures, registration of motor cars, and various miscellaneous matters. The council also appoints either in whole or part various authorities such as the board of health and public assistance, the vocational education committee, the county committee of agriculture and the mental hospital committee. The poor rate is made by the county council for the purpose of defraying their own expenses and also meeting the demands of other authorities whom they are required by law to supply with money. The board of health and public assistance administers poor relief and the Acts relating to public health, burial grounds, labourers' cottages, welfare of the blind, and tuberculosis.

Vocational education committees maintain a system of

continuation and technical education in each area. County committees of agriculture foster agriculture generally and arrange for agricultural instruction.

The county borough is governed by a municipal corporation acting by a council. The council is an urban sanitary authority, has various functions derived from local Acts in relation to sewerage, water, and gas, and has most of the functions of a county council. In two of the county boroughs (Dublin and Cork) city managers are associated with the councils in the administration.

The urban district council has functions in relation to public health, housing, urban roads, libraries, school meals, child welfare, and other services in the area of the administrative county that has been constituted an urban sanitary district. Six of these councils are boroughs governed by municipal corporations.

Town Commissioners exercise functions of a limited nature in a number of the smaller towns which are not urban sanitary districts. They can levy a rate up to a fixed maximum.

Elections are held according to the principles of proportional representation. The franchise extends practically to all persons of either sex who are of full age and have during a qualifying period occupied as owners or tenants any land or premises except premises let as furnished lodgings. A married woman of 30 years or over residing with her husband is entitled to be registered as a local government elector. Women are eligible for election as members of all local government bodies.

VALUATION. The valuation of property for rating purposes is made by the Commissioner of Valuation, a Government officer.

AUDIT. The forms of accounts of local authorities are prescribed and the accounts are subject to audit by auditors appointed by the Central Authority.

EDUCATION. Elementary education is free and is given in the National Schools, which are under local managers but subject to the control of the Department of Education.

Salaries of teachers and grants for instruction are paid by the State. Secondary and Intermediate Schools are under private control, receive State grants, and are open to Government inspection.

POLICE. The police (Garda Siochana) are under State control. Except for a small and diminishing charge in Dublin City no charge for the police falls on local rates.

GRANTS-IN-AID. There is a system of Grants-in-Aid as in England, the principal grant being the grant for the relief of rates on agricultural land.

Motor taxation is made available for the construction of roads.

The system of local government set up in Ireland in 189 followed the English model closely. The following are the most

notable alterations in the system which have taken place since the Irish Free State came into being—

POOR RELIEF was reorganized, boards of guardians were abolished and institutions appropriate to local requirements were established in each county in place of workhouses. Certain restrictions on outdoor relief were at the same time removed.

Power was given to the Minister of Local Government and Public Health to dissolve, after due inquiry, local authorities that did not properly discharge their duties.

Rural district councils were abolished and the rural districts in each county were amalgamated to form a county health district administered by a Board of Health appointed by the Council. County Medical Officers have been appointed in most countries. The Board of Health became the local authority administering public assistance.

The Council Manager plan of government was introduced into the county boroughs of Cork (1929) and Dublin (1930) and the borough of Dun Laoghaire (1930). Under this plan, certain powers (e.g. borrowing, striking rates) are reserved to the elected council, all other power being exercisable by the Manager.

The Local Authorities (Officers and Employees) Act, 1926, provided for the appointment of a certain body (Local Appointments Commissioners) who were charged with the duty of selecting persons to be appointed to chief executive, professional, technical, and other prescribed offices under local authorities.

In order to effect savings, raise quality of supplies and expedite deliveries, a system of pooling contracts was embodied in the Local Authorities (Combined Purchasing) Act, 1925. The Minister invites tenders annually and appoints contractors from whom local authorities can obtain their requirements at the price in the official list.

CHAPTER XXXIV

WAR CHARITIES AND PENSIONS

1. WAR CHARITIES ACT, 1916.

This Act was the immediate outcome of a special committee appointed in April, 1916, by the Home Secretary, "To consider representations which have been made in regard to the promotion and management of charitable funds for objects connected with the war, and to advise whether any measures should be taken to secure better control or supervision of such funds in the public interest."

(1) The Act provides that it shall not be lawful to make any appeal to the public for donations or subscriptions to any war charity unless the charity is registered under this Act.

(2) The registration authority—

(a) In the City of London is the Mayor, Aldermen, and Commons of the City of London in common council assembled.

(b) In a municipal borough or urban district is the Council of the borough or district ;

(c) elsewhere, is the County Council ;

and any such Council may act through a committee which may comprise persons (including women) who are not members of the Council.

(3) Charities registered under the Act shall—

(a) Be administered by a committee or other body of not less than three persons.

(b) Keep proper books of accounts, audited at such intervals as may be prescribed.

(c) Keep separate accounts at such bank or banks as may be specified.

(d) Furnish such particulars as may be required to either the registration authority or the Charity Commissioners, and keep books of accounts open to inspection.

(4) The Charity Commissioners may make regulations respecting the above matters.

2. THE BLIND PERSONS ACT, 1920, extends compulsory registration to all charities for the blind.

3. THE CHARITABLE TRUSTS ACT, 1925, makes the official trustees of charitable funds a body corporate, with an official seal which must be officially and judicially noticed.

4. WAR PENSIONS ACTS.

THE LEGISLATION is contained in the Naval and Military War Pensions, etc., Act, 1915, as amended by the Naval and Military War Pensions, etc., Act, 1916, Naval and Military War Pensions, etc. (Transfer of Powers) Act, 1917, and the Naval and Military War Pensions, etc. (Administrative Expenses), Act, 1917, and the War Pensions Act, 1921.

(1) *Objects.* For purposes relating to pensions and grants and allowances made in respect of the war to officers and men, their wives, widows, children, and other dependents, and the care of officers and men disabled.

(2) *Central Administration* was transferred to the Ministry of Pensions as from 15th February, 1917, in accordance with the Ministry of Pensions Act, 1916. The country is now divided into regional areas with Directors for the several branches, viz.—

- (a) Training.
- (b) Supplementary Grants.
- (c) Treatment.
- (d) Care of Orphan children.

(3) *The Constitution of Local War Pensions Committees* is provided for under a scheme framed by the central authority under the War Pensions Act, 1921. The committee so established shall not exceed 25 members, appointed by the Minister, and the scheme shall provide for the inclusion of representatives of—

- (a) Disabled men who have been discharged during the war. } not less
- (b) Women in receipt of pensions arising out of service during the war. } than one-quarter
- (c) Such local authorities whose districts are situated in the area. }
- (d) Employers and workmen in industry in equal numbers. } one-fifth
- (e) Voluntary associations engaged in the care of ex-service men and their families in the area. }

Not less than four members of the committee shall be women.

(4) *Functions of Local War Pensions Committees.* The functions of the committee as provided by the 1921 Act are—

- (a) To consider and make recommendations as to the administration of war pensions ;
- (b) To receive reports from officers as to the state and progress of applications ;
- (c) To hear and consider complaints by persons in receipt of pensions and to make representations to the Minister ;
- (d) To inquire into any matter referred to them by the Minister ;

(e) To make arrangements for the distribution of supplementary grants ;

(f) To consider applications for grants from departments, bodies or associations ;

(g) To perform duties in relation to children for whom the Minister is responsible ;

(h) To take steps to secure co-operation of voluntary workers ;

(i) To perform such other duties as the Minister may by regulation prescribe.

The system is a very complicated one, too detailed to be dealt with fully, but the following points may be useful as a general guide to the subject.

(5) *Pensions for Men* are granted as follows—

(a) Disablement Pensions and Allowances or Gratuities to men who come within one of the following classes—

(1) Discharged as Medically Unfit for further service or while suffering impairment of health attributable to or aggravated by service during the Great War.

(2) If, after demobilization or discharge, he is suffering from a disablement which is certified as attributable to or aggravated by his service.

(b) Alternative Pensions are provided to meet the case of a man whose pre-war earnings (with the addition of 60 per cent) were higher than his pension and allowances together with the average earnings of which the man is still capable. If granted, it is in substitution for the Disablement Pension and allowances for wife and children.

(6) *Pensions for Widows and Dependents of Men.*

(a) **WIDOWS' FLAT-RATE PENSIONS.** Widows' pensions are granted under three different conditions enumerated in the Articles of the Royal Warrant.

(b) **WIDOWS' ALTERNATIVE PENSIONS.** A Widow's Alternative Pension is a pension based on her husband's pre-war earnings, and where granted is in substitution for the pension and children's allowance awarded under Article 11 of the Royal Warrant.

(c) **PENSIONS FOR MOTHERLESS AND ILLEGITIMATE CHILDREN.** A pension may be granted where any child of a man who died is or becomes motherless, or has been removed from the control of its mother.

(d) **SEPARATED WIVES.** A wife who was separated from her husband and would otherwise have been entitled to a pension as widow may be granted a pension equal to the amount due to her under a separation order, or otherwise paid by her husband.

(e) **UNMARRIED WIVES.** Any woman who has lived as his wife with a man, who died in the circumstances similar to (b), may be granted a pension if she was wholly or substantially dependent on that man, and if she has been drawing or has been eligible for separation allowance as for a wife.

(f) **PARENTS.** "Parent" includes a grand-parent, or other person who has been in the place of a parent to the man, and has wholly or mainly supported him for not less than one year at some time before the commencement of the war.

(g) **OTHER DEPENDENTS.** Pensions are granted to dependents other than parents and those mentioned above only where the dependent is wholly or partially incapable of self-support and is in pecuniary need.

Under the War Pensions Act, 1921, the Minister may, on the application of any person in receipt of a pension, commute any part of the pension by the payment of a capital sum. The War Pensions Act, 1921, limits the time for making claims to pensions in respect of disablement to seven years after the date on which the claimant was discharged or the date fixed for the termination of the war, whichever date is the earlier.

(7) *Medical Services.*

(a) **ORGANIZATION.** Medical Boards exist for the purpose of :
(1) Medical Discharge Boards ; (2) Medical Resurvey Boards ;
(3) Medical Appeal Boards. Local Committees may send men to Medical Referees who have the duty of examining and certifying men as to treatment, training, degree of disablement, extent of increase of disablement and physical condition.

(b) **TREATMENT.** Treatment is available where a claim for pension has already been decided by the Ministry for a man suffering from a disablement attributable to or aggravated by service.

(c) **TRAINING.** Training is provided under normal conditions by the Ministry of Labour or the Ministry of Agriculture and Fisheries.

(8). **OFFICERS** have now been taken over by the Minister of Pensions in accordance with the War Pensions Act, 1921.

CHAPTER XXXV

THE RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACTS

1. THE FIRST Increase of Rent and Mortgage Interest (War Restrictions) Act, was passed in 1915, and amending Acts were passed in 1917 and 1919. The most important of these Acts expired in July, 1920. The Government appointed a Committee, of which Lord Salisbury was chairman, to consider and advise upon the matter. A comprehensive report was issued, the principal recommendations of which are included in the new Act.

2. THE ACT came into operation from 2nd July, 1920. It applies to England and Wales, and with modifications to Scotland and Ireland.

3. SECURITY OF TENURE is given to tenants of houses or part of a house let as a separate dwelling. The rentals must be within certain specified standard rentals. Houses erected after or in course of erection on 2nd April, 1919, and houses re-constructed into two or more self-contained flats or tenements are not covered by the Act.

The Act covers the period of three years ended 24th June, 1923, and in July, 1922, the Minister of Health appointed a Committee "To consider the operation of the Act and to advise what steps should be taken to continue or amend that Act."

4. STANDARD RENT means the annual rent paid for a house or part of a house on 3rd August, 1914, or if built since, the rent for which it was first let. Where rateable value was higher than the rateable value is the standard rent. The Act applies where the rent or rateable value does not exceed

(a) in the Metropolitan Police District including therein the City of London	£105
(b) in Scotland	£90
(c) elsewhere	£78

A statement as to what is the Standard Rent can be demanded from the landlord, and must be stated on demand for increased rent.

5. INCREASES OF RENTS above the standard rent may be made for—

(1) Interest on Improvements or Structural Alterations 8 per cent after the Act, 6 per cent before the Act.

(2) Increase of Rates above those of 3rd August, 1914, including water rents and charges.

(3) An increase equivalent to 15 per cent of net rent, but if previous Acts did not apply 5 per cent for the first year and 10 per cent for the second year.

(4) 25 per cent of net rent if landlord is responsible for repairs required for the purpose of keeping premises in good and tenable repair.

The tenancy must be determined before any question of increasing the rent can arise, and no increase is permitted until after four clear weeks; any transfer of burden or liability to tenant is treated as an alteration of rent unless rent is reduced accordingly.

EXAMPLE.—House let 3rd August, 1914, at 10s. weekly, landlord paying rates, say, on assessment of £20 at 7s. in the £ and responsible for repairs—

Standard Rent, August, 1914	26	0	0
Net Rent being Standard Rent less rates, viz., £20 at 7s. in the £	7	0	0
Net Rent is therefore	19	0	0
	<hr/>		
	£	s.	d.
Standard Rent, 3rd August, 1914	26	0	0
Rates are now, say, 20s. in the £ on assessment of £20	£20		
Deduct Rates 3rd August, 1914	£7		
	<hr/>		
5% Increase of Net Rent as Clause (3) above	13	0	0
25% " " " " (4) "	4	15	0
	<hr/>		
Total Gross Rent	44	14	0
	<hr/>		

Disputes as to the amount of increase of rent are to be determined by the County Court, whose decision shall be final.

6. NO ORDER FOR THE EJECTMENT of a tenant will be made unless—

(1) Rent lawfully due has not been paid; or

(2) Any obligation of the tenancy has been broken or not performed; or

(3) The tenant, or any person residing with him, has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers; or

(4) The tenant or any person residing with him has been convicted of using the premises, or allowing them to be used, for an immoral or illegal purpose ; or

(5) The condition of the house has in the opinion of the Court deteriorated owing to acts of waste, neglect or default of the tenant or any such person ; or

(6) The tenant has given notice to quit and the landlord has in consequence contracted to sell or let the dwelling house.

The landlord may secure possession where the dwelling house is reasonably required by him as a residence for

(a) himself or for any person *bona fide* residing or to reside with him ;

(b) some person in whole time employment of the landlord ; or

(c) some person in the employment of some tenant from him —the landlord.

7. RATE OF INTEREST may be increased by an amount not exceeding one per centum per annum. This increase was subject to a proviso that during a period of one year after the Act becomes law the increase should not exceed one-half per centum per annum. By sub-section 1 of Section 3 it is provided that " nothing in this Act contained shall be taken to authorize any increase in the rate of interest on a mortgage except in respect of a period during which, but for this Act, the security could be enforced." By Section 7, it is provided that in the case of any mortgage which comes under the Act (among other things) unless the interest at the rate permitted under the Act is not more than 21 days in arrear, the mortgagee shall not lawfully call in the mortgage nor take any steps for exercising any right of foreclosure, nor sale, nor otherwise enforce his security, nor recover the principal money thereby secured.

8. THE RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1923, modified the " principal Act " of 1920 and prolonged its operation until 24th June, 1925. Thenceforward, for the space of five years, it commits the " sitting tenants " at that date to the care of the county courts, which are to guard them from " exceptional hardships " in connection with ejectment and rent increase. In future control will be removed from every house that becomes vacant. Landlords and tenants can, by agreement, contract out of the Act, provided a valid lease is granted to the tenant for not less than two years, expiring after June, 1926.

9. THE PREVENTION OF EVICTION ACT, 1924, provides that an order for possession may be made where the dwelling house is reasonably required by the landlord for occupation as a residence for himself, and the court is satisfied, having regard to all the circumstances of the case, including any alternative accommodation

available for the landlord or the tenant, that greater hardship would be caused by refusing to grant an order or judgment for possession than by granting it.

10. THE RENT AND MORTGAGE INTEREST (RESTRICTIONS CONTINUATION) ACT, 1925. Part I provides that the Increase and Mortgage Interest (Restrictions) Act, 1920, shall remain in force in England and Wales until December, 1927, and in Scotland until May, 1928.

Part II provides that the Rent and Mortgage Interest (Restrictions) Act, 1923, shall remain in force for a further five years

11. THE RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1920, was continued until the 31st December, 1928, by the Expiring Laws Continuance Act, 1927.

12. REPORT OF THE RENT RESTRICTION ACTS COMMITTEE was issued in July, 1931.

(i) The report recommends the decontrol of houses in the Metropolitan police district with rateable value of £45 or over; in the rest of England and Wales £35 or over, and in Scotland £45 or over.

(ii) Continuance of control under the provisions of the 1923 Act is advocated for houses in the Metropolitan police district with rateable values over £20 but under £45, and in the other parts of England and Wales with rateable values of £13 but less than £35.

(iii) Other important recommendations embodied in the report deal with such diverse subjects as mortgages, alternative accommodation, subletting abuses, enforcement of repairs, and limits of rateable value.

(iv) There is a minority report, signed by one member, in which he favours not only the continuance of control but also its restoration to houses which have been decontrolled.

RENT COURTS have been set up in many towns. Their powers are persuasive only, but they have been very effective in informing tenants of their rights.

The Rent and Mortgage Interest Restrictions (Amendment) Bill was introduced on the 1st December, 1932, by the Minister of Health, to give effect to the recommendations of the Departmental Committee.

CHAPTER XXXVI

SUGGESTIONS TO MEMBERS OF LOCAL AUTHORITIES

1. *When first elected* it is desirable to become acquainted with the Standing Orders governing the business of the local authority. There should be Standing Orders for all local authorities.

2. *Attend the Committee Meetings* regularly. It is in Committee that the principal business is transacted, and close attention to this will often save unnecessary speeches and questions in Council. Try to secure appointment upon Committees upon the work of which you are qualified to advise to the best advantage.

3. *Specialize* in one direction, e.g. Education, Child Welfare, etc., besides keeping in touch with the general work of the authority. Find out what your authority has done and avail yourself of the assistance of the officials concerned.

4. *Make yourself familiar* with all new legislation affecting your local authority. Call for a report upon all new Acts of Parliament. It will result in the staff becoming familiar with the Acts as well as yourself.

5. *A Reference Library* for the use of councillors and officials is a sound investment for the ratepayers. This might be included in the local Public Library.

6. *Finance Committees* should be appointed for all authorities. The Chairman and one other member of each Committee should be elected thereon. All financial matters should stand referred to the Finance Committee before coming before the Council.

7. *Estimates* should be prepared for either six months or twelve months. Statements of the income and expenditure or receipts and payments against such estimates should be submitted periodically, e.g. quarterly or monthly.

8. *Separate Bank Accounts* might be kept for each class of undertaking, e.g. Allotments or Adoptive Acts in the case of a Parish Council; Housing or Private Street Works in the case of a District Council. Standing Orders should provide that the bank pass books together with reconciliation statements should be laid on the table at all meetings of the Council or Finance Committee.

9. *Control of Accounts and Finance.* The same official should not be responsible for receiving *and* accounting for money, or for certifying *and* paying accounts. This can be as easily made applicable to small as well as to large authorities.

10. *Stock Accounts* should be kept of all materials. It is often forgotten that stocks of materials constitute a very important part of the assets of local authorities. A storekeeper will in many cases save the amount of his salary by economy in control of stores. He should be responsible to the clerk, treasurer or accountant, and not to the official who uses the material, e.g. the surveyor.

11. *Works Departments* may be developed to great advantage, especially in large and growing districts.

12. *A System of Return Sheets* of work done will constitute a rough but very efficient method of controlling the administration of a Works Department. Costing Accounts should be in operation in all large authorities.

13. *Officials* should be encouraged to make themselves more efficient by studying for and passing the various professional examinations. An addition to the salary for such qualification will prove a great incentive to study. An inefficient head can do far more damage than an inefficient subordinate.

14. *Appointments by open competition*, especially among members of the junior staffs, should be developed, which prevent much "log rolling" and tend to efficiency in administration.

15. *Inspections* by Central Departments are referred to in Chapter III. It has been suggested that there should be inspectors of local authorities possessing authority to examine the general procedure of the work. This would prevent irregularities.

16. *Cultivate friendly relations* with members of opposite schools of political thought. It is frequently found that there is full agreement in local affairs, and besides adding to the sociability of life, it will be possible to learn much from political opponents.

17. *Report* at frequent and regular intervals to the electors. Familiarize them with the work of your authority. Where possible take them, in parties, over the undertakings. These are the property of the electors, and the more they see of them the more they will appreciate your services.

18. *Members of Education Committees* should try to arrange meetings of representatives from schools. These men will often help to visualize facts which appear vague on paper.

19. *The Institute of Public Administration* is open to members of local authorities, who may join as honorary members, and should encourage the staffs to join as Associates and Members.

For particulars apply to the Secretary, 190 Palace Chambers, Bridge Street, London, S.W.1.

CHAPTER XXXVII

SOCIAL SERVICE

1. THE IDEAL OF LIFE calls for service rather than for success as the first aim. Service entails sacrifice, and many citizens are willing to give of their best. The following brief summary is intended to direct them.

2. SOCIAL SERVICE represents an attractive form of citizenship. The reader is directed to the preceding chapters for any details which may be required in respect to the subject of interest. Some people are not disposed to seek the suffrages of the electors with a view to becoming members of local authorities. There is, however, plenty of opportunity for such persons to play their part as citizens in other ways.

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(15) Local Pensions Committee		XXXIV
(16) Personal Service. In particular there are many opportunities in addition to those mentioned above whereby the citizen may render service as member of Guild of Help, Council of Voluntary Aid, Personal Service Committee, etc.		

3. THE NATIONAL COUNCIL OF SOCIAL SERVICE (INCORPORATED), formed in July, 1915, has for its object the development and co-ordination of social service. The Secretary is Captain L. F. Ellis, D.S.O., M.C., 26 Bedford Square, London, W.C.1. The intention is to organize voluntary social work throughout the country, so as to secure complete co-ordination and with that object to form—

4. LOCAL REPRESENTATIVE COUNCILS coinciding generally with local government areas, to co-ordinate voluntary and official social work, to promote such new efforts as may seem advisable, and to promote the training of social workers as recommended by the Joint University Committee on Social Service.

5. BOARD OF EDUCATION JUVENILE ORGANIZATIONS COMMITTEE has been established to assist work among juveniles by Local Representative Committees. The Secretary, Mr. P. Wilson, Board of Education, Whitehall, London, S.W.1.

APPENDIX A

LOCAL AUTHORITIES IN ENGLAND AND WALES CLASSES AND NUMBERS

The following figures are revised to October, 1932—

County Councils	62
Councils of County Boroughs	83
Metropolitan Borough Councils (including City of London)	29
Town Councils	256
Urban District Councils	779
Rural District Councils	649
Port Sanitary Authorities	61
Joint Hospital Boards	87
Joint Sewerage Boards	30
Joint Water Boards	19
Local Education Authorities	314
Public Assistance Authorities	145
Assessment Committees	364
Burial Authorities	• 1,387
Parish Councils	7,200
Assessment Committees	364
Pension Committees and Sub-Committees	1,394

APPENDIX B

THE RATING RELIEF FORMULA

QUESTIONS having arisen as to the precise form of the algebraic formula—of which paragraph 23 of the White Paper, “Proposals for the Reform in Local Government and in the Financial Relations between the Exchequer and the Local Authorities” (Cmd. 3134) is a summary—the Minister of Health has given the following information in the course of a reply to an inquiry by Miss Susan Lawrence.

The formula is as follows—

Let p = the population of a county in the standard year as estimated by the Registrar-General.

Let c = 50, or the number of children under five years of age per 1,000 of the population, whichever is the greater.

Let a = 10, or the rateable value in £ per head of the population according to the valuation list in force on 1st October, 1929, whichever is the less.

Let u = 1.5, or the percentage of unemployed men calculated as explained in Cmd. 3134, whichever is the greater.

Let m = the number of persons per mile of public road.

Then (1) if m is greater than or equal to 100, the weighted population is

$$p \left(1 + \frac{c-50}{50} + \frac{10-a}{10} \right) \left(1 + \frac{u-1.5}{10} + \frac{50}{m} \right)$$

(2) if m is less than 100 the weighted population is

$$p \left(1 + \frac{c-50}{50} + \frac{10-a}{10} \right) \left(1 + \frac{u-1.5}{10} + \frac{200-m}{200} \right)$$

In the case of London and the county boroughs, the last term in the second bracket is always taken as zero, as there is no weighting for low density of population in those cases. The following example illustrates the working of the formula. The figures are those for the Administrative County of Durham (*vide* page 32 of Cmd. 3134)—

EXAMPLE. *Elements of the Formula*

(a) Number of children under five years of age per 1,000 of the population	113
(b) Estimated rateable value per head of population when derating is in operation	£2.95
(c) Percentage of population represented by number of unemployed insured men (estimated average of three years)	5.2
(d) Estimated population per mile of public roads	444
(e) Estimated population (in 1926)	996,700

CALCULATION OF WEIGHTED POPULATION

(i) Estimated actual population	996,700
(ii) Increase for children of 126 per cent (113 exceeds 50 by 63, which is 126 per cent of 50)	1,225,842
(iii) Increase for low rateable value of 70.5 per cent (£2.95 is £7.05 below £10, and 7.05 is 70.5 per cent of 10)	702,674
	<hr/> 2,955,216

The increased population of 2,955,216 is further weighted by—

(iv) a percentage of 37 for unemployment (5.2 exceeds 1.5 by 3.7, and ten times 3.7 is 37)	1,093,430
(v) a percentage of 11.3 for low density of population (444 exceeds 100); the percentage increase is therefore $\frac{50}{444} \times 100$, i.e. 11.3	333,939

Total weighted population 4,382,585

A grant of 31.35 pence per head of a total weighted population of 4,382,585 is equivalent to a grant of 137.8 pence per head of an actual population of 996,700.

(NOTE. This formula will now require amendment for the added "weighting" which is to be given in respect of 10 per cent of unemployed insured women.)

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An indispensable volume for all local government authorities.

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Revised by R. Borregaard.

Pitman (1929). 7s. 6d.

A handy book of reference setting forth the right and duties of the councils.

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Describes the powers and duties of Urban District and Borough Councillors.

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A concise statement of the law respecting the conduct and control of meetings in general and in particular those of Local Authorities.

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A reliable book of information on a subject of much importance.

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A guide to a knowledge of the principles of Municipal Organization and Procedure.

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Gee (1922). 12s. 6d. net.

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ENCYCLOPAEDIA OF LOCAL GOVERNMENT LAW.

Butterworth. 7 vols. (covering period up to 1907, inclusive). 25s. per vol. £8 15s. net.

In order to keep practitioners up to date, continuation volumes have been issued since 1908.

EVE, A. M. TRUSTRAM. *The Local Government Act, 1929.*

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Includes all the important Orders and Circulars issued by the Ministry of Health up to 1st April, 1930.

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The complete text with an Introduction, Explanatory Notes, Table of Cases, and a full Index.

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An historical and scientific analysis of Local Government areas and functions. Deals also with taxation in relation to general principles of Local Government.

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- Guide to the Administration of the Housing Act, 1924.** 8s. 6d.
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Four lectures delivered at Harvard University, leading to the conclusion that each case of municipal ownership must be judged on its merits.

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Labour Publishing Company, Limited (1923). 2s. 6d.

A valuable introduction by a competent authority, with a chapter dealing with new spheres of activity.

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An excellent outline of criminal justice, from the Police Courts to the House of Lords.

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(Fifth Edition.) Pitman (1931). 5s. net.

A companion volume to *Outlines of Local Governments*.

A special section is devoted to the police and judicial systems.

COHEN, HERMAN. *The Spirit of Our Laws.*

Heffer (1922). 9s. net.

A popular introduction to the subject of our legal institutions.

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Longmans (1925). 25s. net.

Being the Report of the Prison System Inquiry Committee, with six illustrations.

LIECK, A. *The Justice at Work.*

Butterworth (1922). 2s.

A short introduction to the duties of Justices of the Peace. Of considerable value to students.

MAITLAND, F. W. *Justice and Police.*

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The best outline of the subject by one of the most eminent of English jurists.

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Contains an account of the police service and of police administration.

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Sixty-third Edition, edited by F. B. Dingle.

Butterworth (1931). 32s. 6d.

Admitted to be indispensable to every one whose duties are concerned with Courts of Summary Jurisdiction.

WIGRAM'S *Justice's Note Book.*

Twelfth Edition. Stevens (1931). 12s. 6d. net.

HIGHWAYS, STREETS, AND BRIDGES.

CLARKE, J. J. *Outlines of Housing and Planning.*

Pitman (1932). 7s. 6d. net.

Contains the substance of lectures on Public Health, Highways, Streets and Bridges, Housing, Town Planning, and Acquisition of Land. Bibliography.

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Knight (1918). 21s. net. 2nd Edition.

A practical guide to the administration of Highway Law of value to the highway official and to those interested in Highway Administration.

DAVEY, S. *The Law relating to the Construction, Sewering, Paving, and Improvement of Streets.*

The Local Government Journal, Ltd. (1927). 20s. net.

Including the Public Health Acts, 1875 to 1925, and the Private Street Works Act, 1892

GLEN, W. C. *The Law of Highways.*

Sweet & Maxwell (1897). 52s. 6d

A very comprehensive work.

MACMORRAN, A. *Private Street Works.*

The Solicitors' Law Stationery Society, Ltd. (1927). 2s.

A very accurate statement of the position under the Act, being a series of articles reprinted from *The Solicitors' Journal*.

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Eighteenth Edition, edited by J. Scholefield, K.C., and A. W. Cockburn, M.A.

Butterworth (1932). 77s. 6d.

Divided into two parts: (1) the Law of Highways considered independently of the Statute Law; (2) Statutes relating mainly to high roads, streets, and bridges.

ROAD TRAFFIC ACT, 1930.

LEWELLYN-JONES, F., B.A. *The Road Traffic Act, 1930.*

Sweet and Maxwell (1931). 21s. net.

The Text of the Act with an Introduction, Notes, Tables of Cases and Statistics and a detailed Index, also the complete Text of the Regulations.

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Eyre & Spottiswoode (1930). 16s. net.

With a Preface by Ralph A. Glen.

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Eyre & Spottiswoode (1931). 10s. 6d.

A companion to Woodward's *Road Traffic Act*.

TOWN AND COUNTRY PLANNING.

The Practical Administration of the Town Planning Duties of Local Authorities. 10s. 6d.

ALDRIDGE, H. R. *The Case for Town Planning.*

National Housing and Town Planning Council (1915). 31s. 6d.

An exhaustive manual for the use of councillors, officers, and others engaged in the preparation of town planning schemes. Contains Text of the Housing, Town Planning, etc., Act, 1909, the Town Planning Procedure Regulations, and Text of the two original Town Planning Schemes.

ADSHEAD, S. D. *Town Planning and Town Development.*

Methuen (1923). 10s. net.

A guide to the practice of Town Planning by the Professor of Town Planning in the University of London.

CADBURY, GEORGE (JUNIOR). *Town Planning.*

Longmans (1915). 8s.

Contains Illustrations and Maps, with special reference to the Birmingham Schemes.

CLARKE, J. J. *Outlines of Housing and Planning.*

Pitman (1932). 7s. 6d. net.

Contains the substance of lectures on Public Health, Highways, Streets and Bridges, Housing, Town Planning, and Acquisition of Land. Bibliography.

DAVEY, S., and MINSHULL, H. *The Law and Practice of Town Planning.*

Butterworth (1923). 25s. net.

Specially adapted to meet the needs of local authorities who are required to submit schemes under the Acts.

DOWDALL, H. C. *Local Development Law.*

Sweet & Maxwell (1919). 10s. 6d. net.

A Practical Survey of the Powers of Local Authorities in regard to Housing, Roads, Buildings, Lands, and Town Planning

GLEN, R. A. *Town Planning*.

Eyre & Spottiswoode (1932). 30s. net.

A complete legal and practical textbook. (In preparation.)

HOWARD, E. *Garden Cities of To-morrow*.

Geo. Allen & Unwin (1902). 3s. 6d.

Originally known as *To-morrow: a Peaceful Path to Real Reform*. The pioneer work on the "Garden City" movement.

PURDOM, C. B., and OTHERS. *Town Planning in Theory and Practice*. Garden City Association (1907).

REISS, R. *The Town Planning Handbook*.

King (1926). 3s. net.

Contains the full text of the Town Planning (Consolidation) Act, 1925.

SAFFORD, A., and OLVER, G. *The Law of Town Planning*.

Hadden Best & Co., Ltd. (1929). Second Edition. 21s.

The provisions of the Local Government Act, 1929, so far as they relate to town planning, have been incorporated.

UNWIN, R. *Town Planning in Practice*.

Unwin (1923). 21s.

A guide by the head of the Town Planning Department of the Ministry of Health.

EDUCATION.

ADAMSON, J. W. *English Education, 1789-1902*.

Cambridge University Press (1931). 21s. net.

Seeks to trace the slow development of this revolutionary change in the national life.

AGGS, W. H. *Education Act, 1921*.

Sweet & Maxwell (1922). 6s. 6d. net.

Contains the text of the Act with Introductions, Notes, and Index.

BALFOUR, GRAHAM. *The Educational Systems of Great Britain and Ireland*. Second Edition.

Oxford University Press (1903). 7s. 6d. net.

A comprehensive account of general education in the United Kingdom during the nineteenth century.

BARLOW & HOLLAND. *The Education Act, 1918*.

National Society's Depository (1918). 1s. 6d. net.

Is intended mainly for Managers and Trustees of Denominational Schools, but contains a Summary with Notes explanatory of the Act, together with the Text of the Act with Notes.

CRAIK, SIR HENRY. *The State in Its Relation to Education*.

Macmillan: English Citizen Series (1914). 2s. 6d. net.

A very practical and reliable review of our educational system from its beginnings.

- FINDLAY, J. J.** *The Foundations of Education.*
University of London Press (1925). 8s. 6d. net.
A survey of principles and projects.
- FLETCHER MOULTON, H.** *Powers and Duties of Education Authorities.*
Wm. Hodge & Co., Ltd. (1919). 15s. net.
Gives the text of the Education Acts, 1870-1918.
- GREENWOOD, A.** *The Education of the Citizen.*
Workers' Educational Association (1920). 6d.
A summary of the Proposals of the Adult Education Committee by one of the Secretaries.
- MANSBRIDGE, ALBERT.** *An Adventure in Working-class Education.*
Longmans (1920). 6s.
The story of the Workers' Educational Association by one who has been at the centre of its wonderful development as Founder and its first General Secretary.
- Owen's Education Acts Manual.** 22nd Edition, edited by Sir John Lithiby. (1923.) 57s. 6d. net.
The Standard Work on Education Law, containing the codified Education Act, 1921.
- PARRY, R. ST. JOHN** (edited by). *Cambridge Essays on Adult Education.*
Cambridge University Press (1920). 12s. 6d. net.
The object of this volume of Essays is to bring before the public some of the principal subjects which are dealt with in the Report of the Committee on Adult Education. (Cd. 321. 1919.)
- SADLER, M. E. (Ed.).** *Moral Instruction and Training in Schools. Report of an International Enquiry.*
Vol. I. *The United Kingdom.* Longmans (1908). 5s. net.
Records the judgments of experienced teachers and others on "the various means by which schools may bear a part in . . . quickening and defining moral ideals, and of strengthening their influence upon individual conduct and upon national life."
- THOMAS, A. A.** *The Education Act, 1918.*
King (1919). 6s. net.
A Handbook for the use of Administrators, Members of Local Education Authorities, School Managers, and others interested in Education.
- TREVELYAN, JANET P.** *Evening Play Centres for Children.*
Methuen. (1919) 5s. net.
Is a sketch of the origin and growth of the Play Centre Movement and contains a Preface by the late Mrs. Humphry Ward.

CHILDREN ACT.

BRAY, R. A. *Boy Labour and Apprenticeship.*

Constable (1914). 5s. net.

An excellent work by a well-known social worker and member of the London County Council.

BRIGGS, ISAAC G. *Reformatory Reform.*

Longmans (1924). 7s. 6d. net.

FREEMAN, ARNOLD. *Boy Labour and Life : the Manufacture of Inefficiency.*

King (1914). O.P.

First-hand investigations into conditions of boy labour in Birmingham. Outlines lives and influences shaping future of 71 boys, and suggests remedy. Bibliography.

GREENWOOD, ARTHUR. *Juvenile Labour Exchanges and After Care*

King (1911). O.P.

Discusses juvenile labour problem, and outlines scheme for its solution by co-ordination and co-operation of education authorities, Labour Exchanges and voluntary agencies. Bibliography

HALL, W. CLARKE. *Children's Courts.*

Allen & Unwin (1926). 7s. 6d. net.

Certain portions of the author's earlier work, *The State and the Child*, have been retained, but most of the book is new and based on the wider experience and deeper understanding of the causes that culminate juvenile delinquency.

HALL, W. CLARKE, and HALL, JUSTIN CLAUDE. *The Law of Adoption and Guardianship of Infants.*

Butterworth (1928). 10s. 6d. net.

Contains the Adoption of Children Act, 1926, fully annotated, the Guardianship of Infants Act, 1925, the Legitimacy Act, 1926, and the Rules made thereunder.

INTERNATIONAL YEAR BOOK OF CHILD CARE AND PROTECTION.
Compiled from Official Sources by EDWARD FULLER.

Longmans (yearly). 7s. 6d. net.

Being a Record of State and Voluntary Effort for the Welfare of the Child.

JONES & BELLOT. *Law of Children and Young Persons.*

Butterworth (1909). 12s. 6d.

This work is a technical treatise on the subject, and is of extreme value to officials and others engaged among the adolescent.

KEELING, FREDERIC. *Child Labour in the United Kingdom*
King. O.P.

An exhaustive treatise on the subject.

PEPLER, DOUGLAS. *The Care Committee, the Child, and the Parents*
Constable (1912). 2s. 6d. net.

Historical account of provision of free meals to poor children.

and an able treatment of Care Committees, their future, and the relative spheres of voluntary and official workers.

SAMUELSON, JAS. *The Children of our Slums.*

Liverpool Booksellers Co. and Simpkin, Marshall & Co., Ltd. (1911). 1s. net.

Deals with slum children, and the various agencies for their feeding, clothing, and reclamation, with special reference to Liverpool. Bibliography.

PUBLIC ASSISTANCE.

BAILWARD, W. A. *The Slippery Slope.*

Murray (1920). 10s. 6d. net.

A collection of essays on Poor Law administration and other social problems by one who was well known as a high authority on these matters.

CLARKE, J. J. *Social Administration, including the Poor Laws,* Pitman. 7s. 6d. net.

An account of the history and administration of the Poor Laws, the organization of Social Administration in relation to the Child, the Adolescent, the Delinquent, Industry, Labour, Public Health and Pensions. Bibliography.

CLARKE, J. J. *Public Assistance, Administration and Cost.*

Gee (1926). 6d. net.

Written for students preparing for the examinations of the Institute of Municipal Treasurers and Accountants (Incorporated). Charts and Bibliography.

DRAKE, GEOFFREY. *The State and the Poor.*

Collins (1914). O.P.

A carefully written work by a recognized authority on the English Poor Laws.

DAVEY'S Poor Law Statutes and Orders. Second Edition.

Stevens (1930). 30s. net.

DAVEY'S Poor Law Settlement and Removal. Third Edition.

Stevens (1925). 15s. net.

FOWLE, T. W. *The Poor Law.*

Macmillan: English Citizen Series (1906). O.P.

Very reliable. Deals with principles, institutions, history, and administration of the Poor Law.

GLEN, R. A. *Poor Law Act, 1930.*

Eyre & Spottiswoode (1931). 12s. 6d. net.

The official Text of the Act with an Introduction.

JENNINGS, W. I. *The Poor Law Code.*

Knight (1930). 10s. 6d. net.

Contains the Poor Law Act, 1930, fully annotated; the various Orders which go to complete the Code; a summary of the making of the Poor Law, and a comprehensive Index.

NICHOLLS, SIR GEORGE, and MACKAY, THOMAS. *A History of the English Poor Law.*

King (1912). 3 vols. O.P.

The standard work on the subject. First two volumes, by Sir George Nicholls, bring the history down to 1853, and the third volume, by Thomas Mackay, brings it up to date.

Report of the Inter-departmental Committee on Public Assistance Administration. (Cmd. 2011.)

H.M. Stationery Office (1923). 4s. net.

Report of the Royal Commission on Poor Law, 1834.

There have been several reprints of this, but probably the best is that issued by P. S. King, price 1s. 8d., also H.M.S.O.

Report of the Royal Commission on Poor Law and Relief of Distress. 1909 (Cd. 4499). H.M. Stationery Office.

A mine of useful historical and statistical information.

SELLERS, EDITH. *Foreign Solutions of Poor Law Problems.*

Horace Marshall (1908). O.P.

Shows how problems yet unsolved in England (particularly that of aged poor) have been dealt with on the Continent.

WEBB, SIDNEY AND BEATRICE. *English Poor Law Policy.*

Longmans (Second Edition) (1913). 7s. 6d. net.

A history of the Poor Law from 1834 to the Royal Commission of 1905-9, tracing the gradual development of policy over three-quarters of a century.

WEBB, SIDNEY AND BEATRICE. *The Break-up of the Poor Law.*

Longmans (1911). 7s. 6d. net.

Being Part I of the Minority Report of the Poor Law Commission

WEBB, SIDNEY AND BEATRICE. *The Prevention of Destitution.* (Third Edition.) Longmans (1920). 10s. 6d. net.

An attempt to set forth a constructive policy with a view to getting rid of the great bulk of involuntary destitution.

WEBB, SIDNEY AND BEATRICE. *The Public Organization of the Labour Market.*

Longmans (1911). 5s. net.

Being Part II of the Minority Report of the Poor Law Commission.

WEBB, SIDNEY AND BEATRICE. *English Poor Law History, Part I, The Old Poor Law.*

Longmans (1926). 21s. net.

Part II (1926). 21s. net.

WEBB, SIDNEY AND BEATRICE. *English Poor Law History.* Longmans (1927). 21s. net.

An admirable history of the Poor Law with a compendious summary of its principles.

MENTAL TREATMENT.

BUKT, C. *The Young Delinquent*.

University of London Press (1925). 5s. net.

This book gives, in simple and non-technical form, the results of an intensive psychological study of juvenile offenders.

DAVEY'S *Mental Deficiency*.

Stevens (1927). Second Edition. 12s. 6d. net.

GRAHAM, J. EDWARD. *The Mental Deficiency and Lunacy (Scotland) Act*, 1913.

W. Hodge & Co., Ltd. (1914). 12s. 6d. net.

LAPAGE, C. P. *Feeble-mindedness in Children of School Age*.

Longmans (1920). Second Edition. 10s. 6d. net.

With an Appendix on Treatment and Training, by Mary Dendy, M.A., Commissioner of the Board of Control.

MILLS, G. E., and POYSER, A. H. R. W. *The Practice of the Office of the Masters in Lunacy*.

Butterworth (1913). 15s.

Deals with management of estates in lunacy, appointment of receivers, and other important points.

The Law Relating to Lunacy and Mental Deficiency.

Knight (1914). 25s. net.

The Fourth Edition of *Fry's Lunacy Laws*, edited by Sir John Lithiby.

WORMALD, JOHN, and WORMALD, SAMUEL. *A Guide to the Mental Deficiency Act*, 1913.

King (1914). 5s. net.

This is a useful exposition of the Act, and is of extreme value to local administrators and social workers.

VALUATION AND RATING.

ALBAN, F. J., LAMB, N. E., and PRICE, F. E. *Rating Accounts and Finance*.

Knight (1927). 18s. net.

Designed primarily for the officials of rating authorities who need to be conversant with the methods of finance and accounting under the Rating and Valuation Act, 1925.

BUTTERWORTH'S *Rating Appeals*, 1913-25.

Edited by E. Gibbs Kimber.

Butterworth (1925). In two volumes, 25s. net each.

These two volumes are in continuation of the series which has been published uninterruptedly since 1871.

CANNAN, EDWIN. *History of Local Rates in England*.

King (1912). 5s. net.

Very clear and reliable. Explains "why and how local taxation in England came to be confined to immovable property." Also deals with struggle between ratepayer and taxpayer, and equity and economy of local rates.

CREW, ALBERT; and CRESWELL, W. T. *Rates and Rating*. Seventh Edition. Pitman (1933). 12s. 6d. net.

The law and practice of Rating for the Ratepayer and Rating Official. With some practical Notes on Valuation.

DAVEY, H. *The Rating and Valuation Act, 1925, and Incorporated Statutes*.

Stevens (1926). 20s.

The Act is prefaced with a general introduction, followed by the annotated text of the Act.

DIXON, ISAAC. *Derating Explained*.

Shaw (1929). 2s. 6d. net.

A very readable and valuable introduction to the subject by the Rating Valuer of the West Derby Assessment Area.

GACHES, L. *Rates and Assessments*.

Eyre & Spottiswoode. 3s. 6d.

A handy work for all, by a barrister who was Counsel to the District Councils Association.

KONSTAM, E. M. *The Modern Law of Rating (Outside London)*. Butterworth (1927). 27s. 6d.

This new treatise sets out to cover the whole field of the Rating and Valuation Act, 1925, and to act as a guide to the intricacies of a most important subject upon which all local taxation is framed and its incidence controlled and directed.

KONSTAM, E. M. *Rating Relief Acts, 1928-29*.

Butterworth (1929). 27s. 6d.

A continuation of the above-mentioned work.

KONSTAM, E. M. *The Rating and Valuation (Apportionment Act, 1928*.

Butterworth (1928). 21s.

A comprehensive guide to the procedure to be followed under the Act.

MACKENZIE'S Overseers' Handbook.

Butterworth (1925). Ninth Edition. 15s. net.

Brought up to date and a new chapter added on the General Rate.

RYDE, W. C. *Law and Practice of Rating*. Fifth Edition. Edited by E. M. Konstam.

Butterworth (1925). 55s. net.

The principal work on this subject.

SHEPPARD, P. *A Précis of the Rating and Valuation Acts 1925-1932*. Eighth Edition.

Elsworth, Ltd. (1932). 6s. 6d.

A useful work to indicate to officers what statistics they should regard as important.

TERRY, G. P. WARNER. *The Rating and Valuation Act, 1925*.

Knight (1927). Third Edition. 37s. 6d. net.

With full Explanatory Notes, embodying Incorporated Enactments and Annotated as regards the Draft Bill of 1923, and the proceedings in Parliament of 1925.

TERRY, G. P. WARNER. *The Rating and Valuation Act, 1928.* Knight (1928). 30s. net.

Being the Rating and Valuation Act, 1928, and the Rating and Valuation (Apportionment) Act, 1928, together with the Metropolitan Rating Code.

WEBB, C. A. and WEBB, N. A. *Valuation of Real Property.*

Crosby Lockwood & Co., Fifth Edition (1931). 21s. net.

A guide to the principles of valuation of land and buildings, etc., for various purposes.

GRANTS-IN-AID AND LOANS.

BURTON, J. H. *Loans and Borrowing Powers of Local Authorities.* Pitman (1924). 7s. 6d. net.

A review of the subject of loans and borrowing powers of local authorities with practical examples and a section dealing with the accountancy work in connection therewith.

GRICE, J. W. *National and Local Finance.*

King (1910). 12s.

A review of the relations between the central and local authorities in England, France, Belgium, and Prussia during the nineteenth century.

JOHNSON, J. R. *Loans of Local Authorities.*

Knight (1925). Second Edition. 31s. 6d. net.

Deals with powers and limitations of local authorities, methods of borrowing, repayment of loans.

WEBB, S. *Grants in Aid* A Criticism and a Proposal.

Longmans (1920). 7s. 6d. net.

New Edition, Revised and Enlarged.

ACCOUNTS AND AUDITS.

ALBAN, F. J., and LAMB, N. E. *The Municipal Accountant's Compendium.*

Knight (1925). Two vols., 15s. net.

A work of reference on Local Government Finance and Accounting as affecting all classes of Local Authorities.

ALBAN, F. J., and LAMB, N. E. *Police Finance (including Police Pensions Finance).*

Knight (1925). Second Edition. 8s. net.

An up-to-date book which deals with the finances relating to funds chargeable with expenses of police.

ALBAN, F. J., and LAMB, N. E. *Local Government Finance.*

Knight (Annual). 13s. net.

Being Financial Articles, Queries and Answers appearing in the *Local Government Chronicle*.

ALBAN, F. J., and LAMB, N. E. *Income Tax as Affecting Local Authorities.*

Knight (1926). Third Edition. 22s. 6d.

The aim of the work is to supply the Local Government Profession with a complete and up-to-date exposition of the law, practice, and procedure respecting the Income Tax Assessments of Local Authorities.

ALLCOCK, J. *Municipal Accounts.*

Gee (1921). 12s. Third Edition.

A textbook expressly written for the guidance of municipal financial officials.

ARMITAGE-SMITH, G. *Principles and Methods of Taxation.*

Murray (1929). 5s. net.

A very reliable textbook for students dealing with the principles of taxation, local rates and national debts.

BASTABLE, C. F. *Public Finance.*

Macmillan (1903). 16s. net.

The best book on general and local finance. Includes chapters on Central and Local Expenditure, Principles of Local Taxation, Local Indebtedness, Administration and Control in Local Finance.

BATESON, W. *Principles of Organization.*

Pitman (1922). 3s. 6d.

Organization and Administration of the Finance Department (1924). 7s. 6d.

These two works with other Departmental volumes in the same series, replace the author's previous volume, *Municipal Organization and Management.*

BURTON, J. H. *Local Authority Finance Accounts and Auditing.*

Gee (1923). New Edition in preparation.

A textbook for persons studying for the examinations of the Institute of Municipal Treasurers and Accountants (Incorporated), and for members of the staffs of local authorities.

COLLINS, A. *Audit and Organization of Local Authorities' Accounts.*

Gee (1919). New Edition in preparation.

A textbook of special value to students of local government accountancy.

COLLINS, A. *Municipal Internal Audits.*

Gee (1931). Fourth Edition. 8s. 6d. net.

This book is officially recommended as a textbook for the examinations of the Institute of Municipal Treasurers and Accountants (Incorporated).

ECKERSLEY, J. *Urban District Council Accounts.*

Gee. New Edition in preparation.

McCALL, J. H. *Municipal Book-keeping.*

Third Edition. Pitman (1930). 7s. 6d. net.

The application of the principles of book-keeping to municipal work is clearly explained.

McCALL, J. H. *Municipal Audits and Finance.*

Gee (1925). 7s. 6d. net.

The work is divided into three parts, viz.: Municipal Audits; Municipal Finance; and Third Part for the information of students.

Report of Departmental Committee on Accounts of Local Authorities. Cd. 3614 (1907).

H M. Stationery Office. 1s. 1d. O.P.

Deals with present system of keeping Local Authorities' accounts, and recommends certain alterations in methods and forms. Contains Standard Forms of Accounts for Electricity, Gas and Water Works, Tramways, and other than Trading Accounts.

ROBERTS, A. C. *Accounts of Local Authorities, Ministry of Health* (1920). 21s. net.

Written with the sanction of the Ministry of Health.

ROBSON, W. A. *Law Relating to Local Government Audit.*

Sweet & Maxwell (1930). 17s. 6d. net.

ROBERTS, A. C. *Local Administration—Finance and Accounts.*

Harrison (1930). Parts I and II. £3 3s.

An advanced book addressed partly to the elected representative, but principally to the trained practitioner.

WHITEHEAD, S. *Municipal Audit Programmes.*

Pitman (1932). 5s. net.

Written for members of the staffs of Financial Departments who may be called upon to carry out any or all of the duties attached to the office of an "Internal Auditor."

WHITEHEAD, S. *Municipal Accounting Systems.*

Pitman (1931). Second Edition. 5s. net.

For use of members of staffs of Financial Departments in Municipal Offices, and is particularly suitable for those preparing for the diplomas of the Institute of Municipal Treasurers and Accountants (Incorporated).

WHITEHEAD, S. *Municipal Accounts Exemplified.*

Gee (1930). 7s. 6d. net.

This book is primarily intended to assist the members of the staff of Municipal Finance Departments.

LONDON.

HARRIS, P. A. *London and its Government.*

Dent (1931). 7s. 6d. net.

A description of the Government of London, together with an historical survey.

THE ANNUAL REPORTS OF THE LONDON COUNTY COUNCIL
and the other authorities referred to in Chapter XXIX.
(P. S. King & Son, Ltd.)

THE LONDON COUNTY COUNCIL AND WHAT IT DOES FOR LONDON.
University of London Press, Ltd. Prices 6d. to 1s.

A series of pamphlets, written in popular style, and telling the story of the services rendered to London by its chief administrative authority.

Report of the Royal Commission on London Government.

H.M. Stationery Office (1923). (Cmd. 1830.) 6s. 6d. net.

SCOTLAND.

ALBAN, LAMB and IMRIE. *Scottish Local Government Finance and the Law Relating Thereto.*

(Fifth Edition.) Knight (1925). 15s. net. O.P.

Compiled in Tabular comparative style, regard being had to the requirements of English Officials by comparing and contrasting Scottish practice with English methods.

DAY, J. P. *Public Administration in the Highlands and Islands of Scotland.*

University of London Press (1918). 25s. net.

Treats of the Area of Administration, the Structure of the Executive, the Function of the Authorities, and Finance. No mention, however, is made of burghal government.

DYKES, D. OSWALD. *Scottish Local Government.*

Oliphant, Anderson & Ferrier (1907). O.P.

Six lectures on the organization and functions of local bodies and of the work which they respectively perform.

Memorandum by the Scottish Office on the Local Government System of Scotland.

H.M. Stationery Office (1925). 1s. 6d. net.

Reprinted from Part VII of the Minutes of Evidence taken before the Royal Commission on Local Government, 1925.

A full description for the English reader of Scottish Local Government, together with chapters comparing the Local Government systems of the two countries.

WHYTE, W. E. *Local Government in Scotland.*

Wm. Hodge & Co., Ltd. (1929). 25s. net.

Gives a comprehensive view of the functions of the various Local Government Bodies in Scotland, together with the powers and duties of such bodies.

IRELAND.

Annual Reports of the Minister for Home Affairs, Northern Ireland (Belfast).

Annual Reports of the Minister for Local Government and Public Health (Irish Free State, Dublin).

Report of the Departmental Commission on Local Government Administration in Northern Ireland (Belfast, 1927)

SOCIAL SERVICE.

ATTLEE, C. R. *The Social Worker.*

King (1920). O.P.

A general introduction to the subject of social service, aiming at providing a general sketch of the opportunities of service that present themselves.

MACADAM, ELIZABETH. *The Equipment of the Social Worker.*

George Allen & Unwin (1925). 6s. net.

A guide to the existing methods of training for welfare work by the Universities and other agencies.

Public Social Services.

The National Council of Social Service (1925). 2s. net

A Handbook of Information on Social Services performed by the State and Local Authorities.

URWICK, E. J. *A Philosophy of Social Progress.*

Methuen (1920). Second Edition. 7s. 6d. net.

An introduction to the problems of social philosophy, starting from the standpoint of modern sociology to a philosophic analysis of the methods and purposes of social change.

Voluntary Social Services.

The National Council of Social Service (1928). 21s. net.

A directory of the principal national organizations engaged in voluntary social service, with details of their scope and chief activities.

CAUSES OF POVERTY, Etc.

BELL, LADY. *At the Works.*

Nelson (1911). O.P.

Describes the daily lives of workmen in iron trade at Middlesbrough: their Work, Expenditure, Recreation, Reading, etc.

BOOTH, RT. HON. CHARLES. *Life and Labour of the People in London.*

Macmillan (1904). 17 vols.

This monumental work is the standard. It is a marshalling of facts drawn up with the assistance of a trained staff, including Miss Beatrice Potter (Mrs. Sidney Webb) and Sir H. Llewellyn Smith.

First Series: *Poverty*. In 4 vols. O.P. Second Series: *Industry*. In 5 vols. 12s. 6d. net each. Third Series: *Religious Influences*. In 7 vols. 12s. 6d. net each. Final Vol.: *Notes on Social Influences and Conclusions*. O.P.

BOSANQUET, MRS. BERNARD. *Rich and Poor.*

Macmillan (1908). O.P.

A study of a typical London East End parish, outlining conditions of social work, and institutions and forces influencing the life of the people.

HOBSON, JOHN A. *Problems of Poverty.*

Methuen. Ninth Edition (1931). 6s. 6d. net.

The object of this volume is to collect, arrange, and examine the leading facts and forces in modern industrial life which have a direct bearing upon poverty. Bibliography.

MONEY, SIR L. G. CHIOZZA. *Riches and Poverty.*

Methuen (1914). O.P. Eleventh Edition.

A well-known work, by a statistical expert, on the distribution of wealth, and advocating graduated income and land taxes.

ROWNTREE, B. SEEBOHM. *Poverty, A Study of Town Life.*

Longmans (1922). New Edition. 5s. net.

A detailed study of social and economic conditions of wage-earning classes of York. Contains a valuable analysis of the immediate causes of poverty.

ROWNTREE, B. S. (Ed.). *Betting and Gambling : A National Evil.*
Macmillan (1906). O.P.

A series of papers on various aspects of the subject, by competent writers, giving considerable information and offering suggestions. Bibliography.

OLD-AGE PENSIONS.**HOARE, H. J.** *Old-Age Pensions.*

King (1915). O.P.

The best work for both students and local officials who are dealing with this subject.

NATIONAL UNEMPLOYMENT INSURANCE.**BEVERIDGE, W. H.** *Unemployment a Problem of Industry.*

Longmans (1908). O.P.

The standard book on the subject. Records principal facts, and analyses causes of unemployment. Discusses past remedies and principles of future policy. Bibliography.

COHEN, J. L. *Insurance Against Unemployment.*

King (1921). O.P.

A comprehensive work, with special reference to British and American conditions. Parts I and IV deal with the Problem ; Parts II and III with the Ghent and British Systems of Unemployment Insurance.

COHEN, J. L. *Insurance by Industry Examined.*

King (1923). 5s. net.

An analysis of the various schemes which have been brought forward on this subject. Bibliography.

COHEN, J. L. *Social Insurance Unified.*

King (1924). 5s.

Discusses the pros and cons of a unified system of social insurance.

EMMERSON AND LASCELLES. *A Guide to the Unemployment Insurance Acts.* Third Edition.

Longmans (1930). 5s. net.

A concise account of the Unemployment Insurance Scheme. The provisions of the Unemployment Insurance Acts, 1920-1930, and of Statutory Orders and Regulations are reproduced in consolidated form.

HOBSON, JOHN A. *The Problem of the Unemployed.*

Methuen (1914). O.P. Sixth Edition.

This book shows that unemployment is a natural and necessary result of a mal-distribution of consuming power, and endeavours to discover the true principle of remedial treatment.

Royal Commission on Unemployment Insurance.

H.M. Stationery Office.

First Report (1931), Cmd. 3872. 1s.

Final Report (1932), Cmd. 4185. 7s. 6d.

SCHLOSS, D. S. *Insurance against Unemployment.*

King (1909). O.P.

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